



STATE OF LOUISIANA

IMPAIRED DRIVING ASSESSMENT

March 16 – 20, 2009

National Highway Traffic Safety Administration

Technical Assistance Team

Spencer Moore
Chief Mike Burns
Judge Linda Chezem
Larry Holestine
Robert P. Lillis

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	6
INTRODUCTION/BACKGROUND	7
PRIORITY RECOMMENDATIONS	27
I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING.....	30
1-A: State, Local, and Tribal DWI Task Forces/Commissions	
Advisory.....	30
Status	30
Recommendations.....	35
1-B: Strategic Planning	
Advisory.....	36
Status	36
Recommendations.....	38
1-C: Program Management	
Advisory.....	39
Status	39
Recommendations.....	41
1-D: Resources	
Advisory.....	42
Status	42
Recommendations.....	44
1-E: Data and Records	
Advisory.....	46
Status	46
Recommendations.....	47
1-F: Communications Program (see section IV)	
II. PREVENTION.....	49
2-A: Responsible Alcohol Service	

Advisory.....	49
Status	50
Recommendations.....	53
2-B: Transportation Alternatives	
Advisory.....	55
Status	55
Recommendations.....	56
2-C: Community Based Programs	
2-C-1: Schools	
Advisory.....	57
Status	57
Recommendations.....	60
2-C-2: Employers	
Advisory.....	61
Status	61
Recommendations.....	61
2-C-3: Community Coalitions and Traffic Safety Programs	
Advisory.....	62
Status	62
Recommendations.....	63
III. CRIMINAL JUSTICE SYSTEM	64
3-A: Impaired Driving Laws	
Advisory.....	64
Status	66
Recommendations.....	67
3-B: Enforcement	
Advisory.....	68
Status	69
Recommendations.....	72
3-C: Publicizing High Visibility Enforcement	

Advisory.....	74
Status	74
Recommendations.....	75
3-D: Prosecution	
Advisory.....	76
Status	76
Recommendations.....	77
3-E: Adjudication	
Advisory.....	79
Status	80
Recommendations.....	81
3-F: Administrative Sanctions and Driver Licensing Programs	
3-F-1: Administrative License Revocation and Vehicle Sanction	
Advisory.....	82
Status	82
Recommendations.....	88
3-F-2: Programs	
Advisory.....	89
Status	90
Recommendations.....	94
IV. COMMUNICATION PROGRAM.....	95
Communication Strategies	95
Advisory.....	95
Status	96
Recommendations.....	97
V. ALCOHOL AND OTHER DRUG MISUSE: Screening, Assessment, Treatment and Rehabilitation.....	98
5-A: Screening and Assessment	
5-A-1: Criminal Justice System	
Advisory.....	98

Status	99
Recommendations.....	99
5-A-2: Medical or Health Care Settings	
Advisory.....	100
Status	100
Recommendations.....	100
5-B: Treatment and Rehabilitation	
Advisory.....	101
Status	101
Recommendations.....	104
5-C: Monitoring Impaired Drivers	
Advisory.....	105
Status	105
Recommendations.....	105
VI. PROGRAM EVALUATION AND DATA.....	106
6-A: Evaluation.....	
Advisory.....	106
Status	106
Recommendations.....	108
6-B: Data and Records (see section 1-E).....	
Advisory.....	109
Status	109
Recommendations.....	114
6-C: Information and Records Systems (including Licensing).....	
Advisory.....	116
Status	116
Recommendations.....	118
TEAM CREDENTIALS.....	119
AGENDA.....	132

ACKNOWLEDGEMENTS

The Technical Assistance Team acknowledges and thanks Lt. Colonel John LeBlanc, Executive Director and Governor's Representative for Highway Safety, Louisiana Highway Safety Commission, Mr. Jim Dickerson, Assistant Director, Ms. Angela Womack-Jones and Ms. Nichole Davis, Impaired Driving Coordinators, for their support and able assistance in making this review possible. They were responsible for the assessment logistics, coordinating and compiling briefing materials, identifying presenters, scheduling appearances, and time keeping for the assessment team. Their diligence and attention to detail added greatly to the success of the assessment.

Mr. Robert (Bob) Hohn, Impaired Driving Division, National Highway Traffic Safety Administration (NHTSA) facilitated the assessment process. Mr. Timothy Fitten, NHTSA Region 6 office, also assisted with the facilitation of the assessment process and report preparation. The team would like to thank NHTSA for helping to give a national and regional perspective to the assessment. The team wishes to commend Ms. Catha Cummings, Administrative Consultant to the team, for her ability to manage the production of a final report in a short period of time, which has been invaluable.

The team also thanks each of the participants in the review for the time and energy invested in preparing and delivering their presentations. Their candor and thoroughness in discussing their activities to target impaired driving in the State of Louisiana greatly assisted the team in conducting a complete review.

The team believes this report will contribute to the State's efforts to enhance the effectiveness of its impaired driving program in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes on Louisiana's roadways.

Although the team realizes the assessment is a review of all impaired driving activities, the team commends and encourages all who are involved in the day-to-day functions of reducing impaired driving in Louisiana.

NOTE: *This information included in this document has been collected from a variety of sources including interviews, official documents, websites, and other materials. Sources may not be consistent. Some copyrighted information has been used under the "fair use" doctrine of the U.S. copyright statute.*

INTRODUCTION

Motor vehicle travel is the primary mode of transportation in the United States, providing an unparalleled degree of mobility. However, for all the advantages that motor vehicles provide, there are disadvantages. Motor vehicle crashes are the leading cause of death for people of every age from 4 through 34 (based on 2005 data).

Motor vehicle fatalities accounted for more than 90 percent of transportation-related fatalities. In 2007, 41,059 people were killed and nearly 2.5 million injured in motor vehicle crashes in the United States. Motor vehicle injuries are the leading cause of death for individuals from age 5 through 27. Motor vehicle crashes are the principal cause of on-the-job fatalities and are the leading cause of unintentional death in the United States. Nationwide, the economic cost of motor vehicle traffic crashes exceeds \$230 billion annually.

Alcohol was involved in approximately 32 percent (12,998) of the total number of traffic fatalities, representing an average of one alcohol-related fatality every 40 minutes. Of the 12,998 people who died in alcohol-impaired-driving crashes in 2007, 8,644 (67%) were drivers with a Blood Alcohol Concentration (BAC) of .08 or higher.

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce alcohol-related traffic crashes and subsequent fatalities and injuries, NHTSA continues its program of providing Technical Assistance Teams to the states upon request. NHTSA offers a Program Assessment process to allow a state to use highway safety funds to support an evaluation of existing and proposed alcohol and other drug impaired driving control efforts by a selected team of experts.

NHTSA acts as a facilitator by assembling a team composed of individuals who have demonstrated competence in impaired driving program development and evaluation. Examples of program expertise among team members include criminal justice, enforcement, engineering, evaluation, prevention, program management, traffic records, and substance abuse prevention/treatment/rehabilitation.

The Louisiana Department of Public Safety and Corrections, Louisiana Highway Safety Commission (LHSC), requested NHTSA's assistance in re-assessing the State of Louisiana's alcohol and drug impaired driving countermeasures program. NHTSA agreed to facilitate this assessment and met with the LHSC to define key issues of concern to the State.

The Louisiana Impaired Driving Re-Assessment was conducted at the Cambria Suites, located in Baton Rouge, Louisiana, from March 16-20, 2009. Under the leadership of Lt. Col. John LeBlanc, LHSC Executive Director and Governors Representative for Highway Safety and Impaired Driving Coordinators Angie Womack Jones and Nichole Davis, arrangements were made for state program experts (see Agenda) to deliver briefings and provide support materials to the team on a wide range of topics over a three-day period.

Louisiana Laws, Fatalities and Alcohol Related Fatalities

Data from the National Center for Statistical Analysis (NCSA), Fatality Analysis Reporting System (FARS) for 2007 shows there were 985 motor vehicle fatalities in Louisiana. This is a .01 percent decrease from the 2006 number of 987 fatalities. Most importantly to note is that the State of Louisiana is reporting a 9 year record low number in 2008 of 915 fatalities.

Alcohol-related fatalities (.08+ BAC) decreased from 38 percent in 2006 to 37 percent in 2007. Since 2003 these alcohol-related fatalities have hovered steadily between 34-38 percent. The rate of alcohol-related motor vehicle fatalities per 100 million vehicle miles traveled (VMT) was 0.82 in 2006 and decreased to 0.81 in 2007. Louisiana's seat belt use rate has consistently been below the national average, currently at 82 percent. Louisiana's usage rate in 2003 was 74 percent, increased to 78 percent in 2005 yet decreased to 75 percent in 2007. Motor vehicle fatality rate per 100 million VMT in Louisiana was at 2.13 in 2003 and experienced an increase to 2.17 in 2007.

STATUS OF TRAFFIC SAFETY LAWS

	YES	NO	EFFECTIVE DATE IF YES	AGES COVERED, IF APPLICABLE
Primary Seat Belt Law	X		08/31/95	All Front - < 13 in rear seat
Graduated Drivers License	X		01/01//98	< 17
*Open Container Law (154)	X		08/15/04	N/A
*Repeat Intoxicated Driver Law (164)	X		07/01/08	N/A
CPS	X		1984	< 6
Booster Seat		X		N/A
Motorcycle Helmet Law	X		2004	All
Prohibit Racial Profiling		X		N/A
High BAC	X		TBD	N/A

*Laws do not meet grant criteria.

State Statistics

Traffic Safety Performance Measures For Louisiana *

Core Outcome Measures		Year				
		2003	2004	2005	2006	2007
Traffic Fatalities	Total	940	927	963	987	985
	Rural	615	610	630	472	519
	Urban	306	317	329	515	462
	Unknown	19	0	4	0	4
Fatalities Per 100 Million Vehicle Miles Driven**	Total	2.13	2.08	2.14	2.17	2.17
	Rural	2.53	2.82	3.24	2.40	2.66
	Urban	1.54	1.38	1.29	2.00	1.79
Passenger Vehicle Occupant Fatalities (All Seat Positions)	Total	714	719	713	751	733
	Restrained	221	249	246	264	238
	Unrestrained	420	410	375	440	435
	Unknown	73	60	92	47	60
Alcohol-Impaired Driving Fatalities (BAC=.08+)		336	315	334	371	368
Speeding-Related Fatalities		229	218	181	259	251
Motorcyclist Fatalities	Total	83	73	75	95	89
	Helmeted	21	31	55	81	65
	Unhelmeted	60	36	18	12	21
	Unknown	2	6	2	2	3
Drivers Involved in Fatal Crashes	Total	1,251	1,299	1,333	1,334	1,295
	Aged Under 15	3	3	2	1	4
	Aged 15-20	169	180	156	175	174
	Aged Under 21	172	183	158	176	178
	Aged 21 and Over	1,070	1,108	1,157	1,132	1,099
	Unknown Age	9	8	18	26	18
Pedestrian Fatalities		93	103	113	97	107

*These Performance Measures Were Developed By The National Highway Traffic Safety Administration (NHTSA)

and the Governors Highway Safety Association (GHSA) (See Publication: DOT HS 811 025)

***Based on the BAC of All Involved Drivers and Motorcycle Riders Only

Data provided from National Center for Statistical Analysis

Fatality Rates: Louisiana, U.S. and Best State

	Year	Fatalities	Total Vehicle Miles Traveled (Millions)	Fatalities Per 100 Million Vehicle Miles Traveled	Total Population	Fatalities Per 100,000 Population
2003	Louisiana	940	44,156	2.13	4,473,679	21.01
	US	42,884	2,890,450	1.48	290,447,644	14.76
	Best State*			0.83		7.18
2004	Louisiana	927	44,607	2.08	4,487,966	20.66
	US	42,836	2,964,788	1.44	293,191,511	14.61
	Best State*			0.87		7.40
2005	Louisiana	963	44,979	2.14	4,495,670	21.42
	US	43,510	2,989,430	1.46	295,895,897	14.70
	Best State*			0.80		6.86
2006	Louisiana	987	45,417	2.17	4,243,288	23.26
	US	42,708	3,014,371	1.42	298,754,819	14.30
	Best State*			0.78		6.32
2007	Louisiana	985	45,376	2.17	4,293,204	22.94
	US	41,059	3,029,822	1.36	301,621,157	13.61
	Best State*			0.76		6.47

Data provided from National Center for Statistical Analysis

Alcohol-Impaired Driving Fatalities**: Louisiana, U.S. and Best State

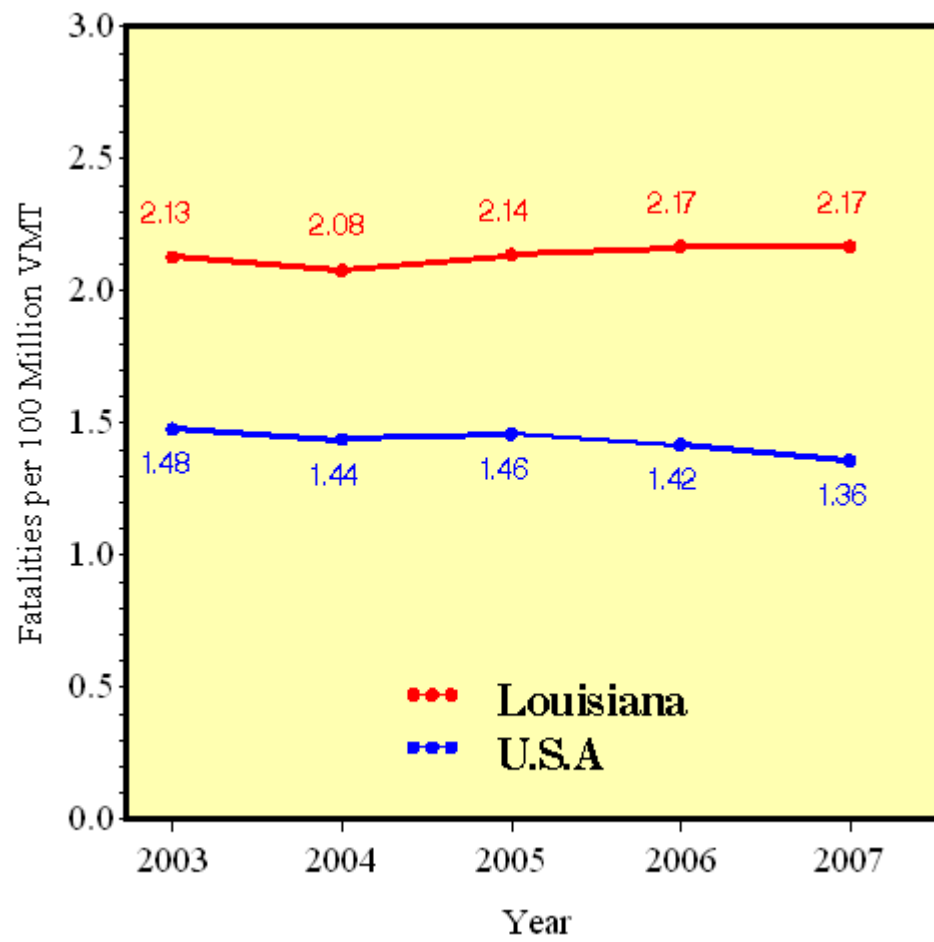
Year		Total Fatalities in all Crashes	Alcohol-Impaired Driving Fatalities (BAC = .08+)		
			Number	Percent	Per 100 Million VMT
2003	Louisiana	940	336	36	0.76
	US	42,884	13,096	31	0.45
	Best State*			12	0.15
2004	Louisiana	927	315	34	0.71
	US	42,836	13,099	31	0.44
	Best State*			20	0.25
2005	Louisiana	963	334	35	0.74
	US	43,510	13,582	31	0.45
	Best State*			12	0.13
2006	Louisiana	987	371	38	0.82
	US	42,708	13,491	32	0.45
	Best State*			18	0.20
2007	Louisiana	985	368	37	0.81
	US	41,059	12,998	32	0.43
	Best State*			17	0.19

*State (or States) With Lowest Percents: Lowest Percents Could Be in Different States

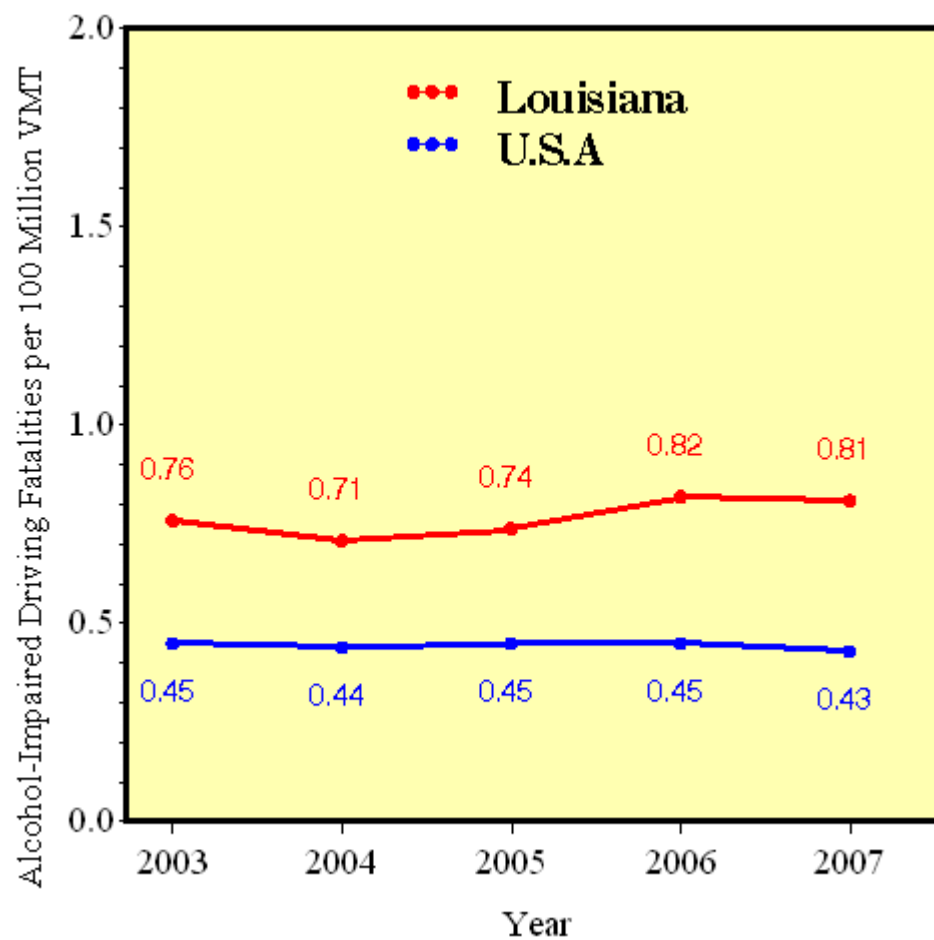
**Based on the BAC of All Involved Drivers and Motorcycle Riders Only

Data provided from National Center for Statistical Analysis

Fatalities per 100 Million VMT



Alcohol-Impaired Driving Fatalities
per 100 Million VMT



5 Year Trend For The Top 10 Parishes of 2007 - Fatalities

Counties by 2007 Ranking		Fatalities					Percent of Total				
		2003	2004	2005	2006	2007	2003	2004	2005	2006	2007
1	East Baton Rouge Parish	72	41	56	55	62	8	4	6	6	6
2	Caddo Parish	39	41	46	38	53	4	4	5	4	5
3	St. Tammany Parish	46	55	53	57	50	5	6	6	6	5
4	Jefferson Parish	45	26	39	55	44	5	3	4	6	4
5	Tangipahoa Parish	26	44	53	43	40	3	5	6	4	4
6	Lafayette Parish	48	31	38	45	39	5	3	4	5	4
7	Calcasieu Parish	29	45	47	67	37	3	5	5	7	4
8	Terrebonne Parish	16	19	19	28	34	2	2	2	3	3
9	Orleans Parish	39	77	31	22	33	4	8	3	2	3
10	Livingston Parish	21	28	32	30	31	2	3	3	3	3
<i>Sub Total 1.*</i>	<i>Top Ten Parishes</i>	403	430	420	450	423	43	46	44	46	43
<i>Sub Total 2.**</i>	<i>All Other Parishes</i>	537	497	543	537	562	57	54	56	54	57
<i>Total</i>	<i>All Parishes</i>	940	927	963	987	985	100	100	100	100	100

*This Sub Total is the Total for the Top Ten Parishes

**This Sub Total is the Total for all Parishes Outside the Top Ten

5 Year Trend For The Top 10 Parishes of 2007 - Fatalities Year to Year Percent Change

Counties by 2007 Ranking		Fatalities					Percent Change From Previous Year			
		2003	2004	2005	2006	2007	2004	2005	2006	2007
1	East Baton Rouge Parish	72	41	56	55	62	-43	37	-2	13
2	Caddo Parish	39	41	46	38	53	5	12	-17	39
3	St. Tammany Parish	46	55	53	57	50	20	-4	8	-12
4	Jefferson Parish	45	26	39	55	44	-42	50	41	-20
5	Tangipahoa Parish	26	44	53	43	40	69	20	-19	-7
6	Lafayette Parish	48	31	38	45	39	-35	23	18	-13
7	Calcasieu Parish	29	45	47	67	37	55	4	43	-45
8	Terrebonne Parish	16	19	19	28	34	19	0	47	21
9	Orleans Parish	39	77	31	22	33	97	-60	-29	50
10	Livingston Parish	21	28	32	30	31	33	14	-6	3
<i>Sub Total 1.*</i>	<i>Top Ten Parishes</i>	403	430	420	450	423	7	-2	7	-6
<i>Sub Total 2.**</i>	<i>All Other Parishes</i>	537	497	543	537	562	-7	9	-1	5
<i>Total</i>	<i>All Parishes</i>	940	927	963	987	985	-1	4	2	-0

*This Sub Total is the Total for the Top Ten Parishes

**This Sub Total is the Total for all Parishes Outside the Top Ten

Data and Maps provided from National Center for Statistical Analysis

Louisiana Demographics

Geography

Louisiana is located in the southern region of the United States. The capital is located in Baton Rouge which is also the largest populated city in Louisiana. Louisiana is the only state divided into parishes, which are local governments' equivalent to counties. The largest parish by population is East Baton Rouge Parish, and the largest by land area is Cameron Parish. Louisiana was named after Louis XIV, King of France from 1643–1715. When René-Robert Cavelier, Sieur de La Salle claimed the territory drained by the Mississippi River for France, he named it La Louisiana, meaning "Land of Louis." Louisiana was also part of the Viceroyalty of New Spain of the Spanish Empire. The territory was acquired in 1803 by the United States through the Louisiana Purchase from France: once part of the US, the Louisiana Territory stretched from present-day New Orleans north to the present-day Canadian border. Part or all of 15 states were formed from the territory.

Due to the cultural influence some Louisiana urban environments have a multicultural, multilingual heritage, so strongly influenced by an admixture of 18th century French, Spanish and African cultures that they are considered exceptional in the U.S. Before the American influx and statehood at the beginning of the 19th century, the territory of current Louisiana had been a Spanish and French colony. In addition, the pattern of development included importing numerous Africans in the 18th century, with many from the same region of West Africa, thus concentrating their culture.

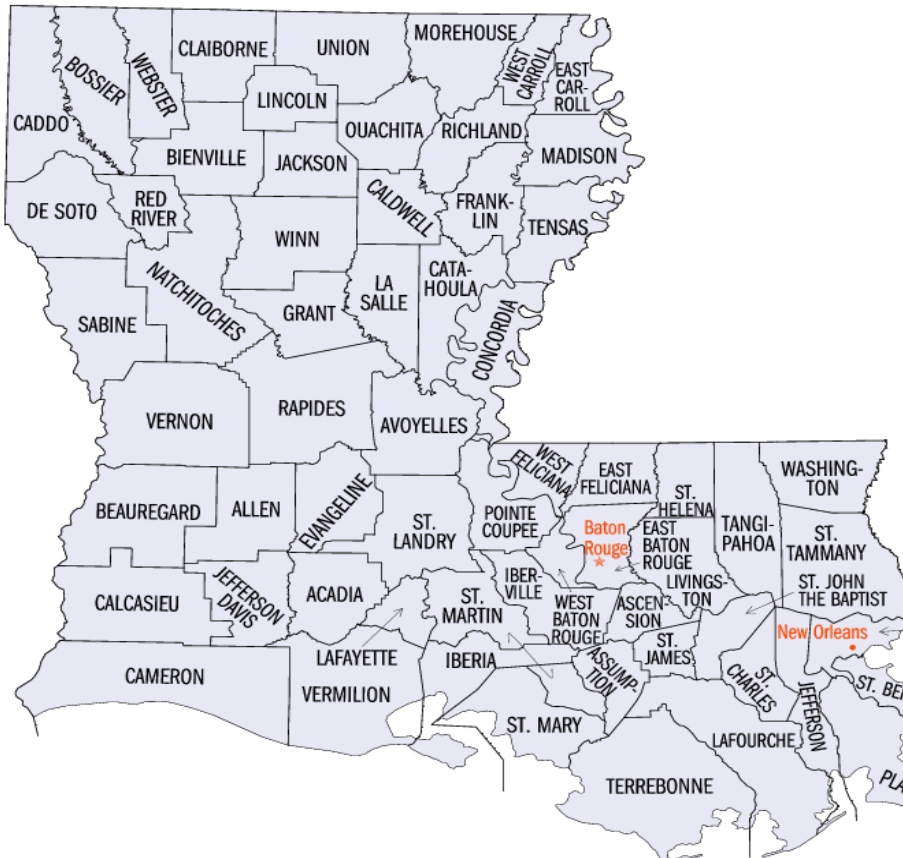
Louisiana is bordered to the west by the state of Texas; to the north by Arkansas; to the east by the state of Mississippi; and to the south by the Gulf of Mexico. The surface of the state can be divided into two parts, the uplands and the alluvial. The alluvial region includes low swamp lands, coastal marshlands and beaches, and barrier islands that cover about 20,000 square miles. This area lies primarily along the Gulf of Mexico and the Mississippi River, which traverses the State from north to south for a distance of about 600 miles and empties into the Gulf of Mexico; the Red River; the Ouachita (Wa-shee-tah) River and its branches; and other minor streams called bayous. The breadth of the alluvial region along the Mississippi is from 10 to 60 miles, and along the other rivers the alluvial region averages about 10 miles across. The Mississippi River flows along a ridge formed by its own deposits, known as a levee, from which the lands decline toward the low swamps beyond at an average fall of six feet per mile. The alluvial lands along other streams present similar features.

The higher lands and contiguous hill lands of the north and northwestern part of the state have an area of more than 25,000 square miles. They consist of prairie and woodlands. The elevations above sea level range from 10 feet at the coast and swamp lands to 50 and 60 feet at the prairie and alluvial lands. In the uplands and hills, the elevations rise to Driskill Mountain, because the State is close to the Gulf of Mexico and the highest point in the State at only 535 feet above sea level, these two conditions make the State prone to Hurricanes.

During the past 4 years the State has experienced 3 hurricanes that made landfall. In 2005 the State experienced 2-category 3 hurricanes, Katrina and Rita, which devastated

the city of New Orleans, southeastern and southwestern areas of Louisiana, respectively. In 2008 southwestern Louisiana was again impacted by a Category 3 Hurricane, Gustav. The State was deeply impacted and still is recovering from these acts of God.

The state has become a popular tourist destination. New Orleans is the major draw, known particularly for its picturesque French Quarter and the annual Mardi Gras celebration, held since 1838.



Population

Based upon the 2007 Census Bureau census update, Louisiana ranks 25th in the nation with a population of 4,293,204 made up of 48.6% male and 51.4% female.

Below is the ethnic breakdown of the population based upon the 2007 census update:

- 65.1% White
- 31.9% Black
- 3.2% Hispanic
- 1.4% Asian
- 0.6% Native American

Although the majority of Louisiana's population is centered in the five major cities, Baton Rouge, New Orleans, Shreveport, Lafayette, Lake Charles and Kenner, the state as a whole is predominately rural. According to the 2007 census, the top10 largest cities in

Louisiana are Baton Rouge, 229,553; New Orleans, 223,388; Shreveport, 200,199; Lafayette, 114,214; Lake Charles, 70,224; Kenner, 66,592; Bossier City, 61,306; Monroe, 51,555; Alexandria, 45,836; New Iberia, 32,981.

State Government

Louisiana's government, like that of the United States, has three branches – executive, legislative, and judicial.

Executive power is vested in the state's elected officials: Governor, Lieutenant Governor, Secretary of State, Attorney General, Treasurer, Commissioner of Agriculture and Forestry, Commissioner of Insurance, and Commissioner of Elections and Registration. All these officials are elected for four-year terms.

The legislature is composed of a Senate of 39 members and a House of Representatives of 105 members, with members of both being elected to four-year terms. The legislature meets in regular session in odd-numbered years on the last Monday in April for not more than 45 legislative days during a period of 60 calendar days. In even-numbered years, the legislature convenes on the last Monday in March for 60 legislative days during 85 calendar days. The legislature may be convened at other times by the Governor, and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. Parliamentary procedure and committee organization resemble that in use throughout the nation.

The present judicial system, originally established by the Louisiana Constitution of 1921, affords judicial power in a State Supreme Court, Courts of Appeal, District Courts, and other lesser tribunals as provided by law. The Supreme Court has general supervisory jurisdiction over all courts. Courts of appeal have appellate jurisdiction over five circuits of the state. District courts have original jurisdiction over appeals from justices of the peace and certain minor courts. Judges in Louisiana are elected except where they are temporarily appointed to fill vacancies.

Having three distinct branches of government ensures that no one group can dominate the government through a concentration of power. Equal distribution of powers among state officials is a guarantee that the citizens of Louisiana will be fairly represented in government.

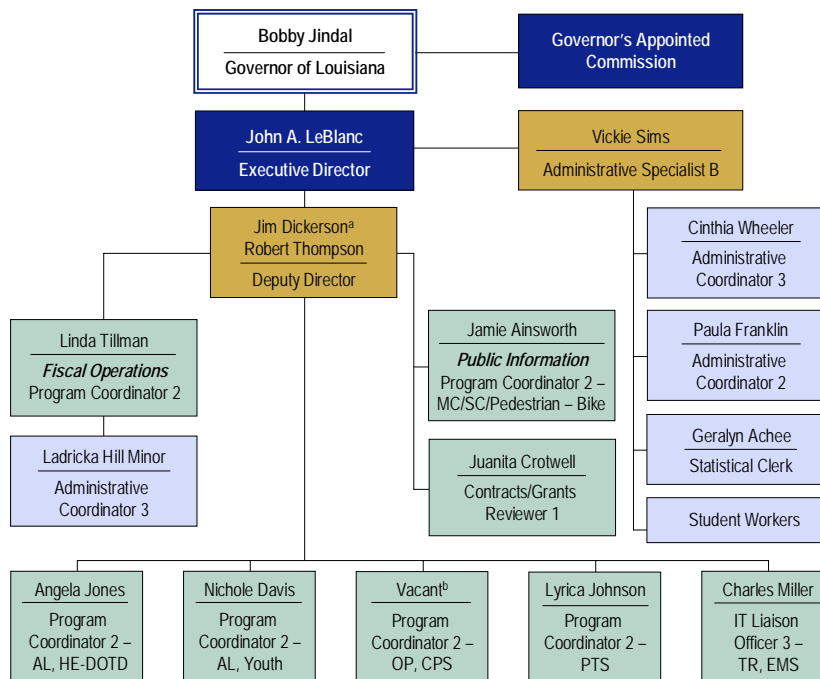
Louisiana Highway Safety Commission (LHSC)

The LHSC is an agency located within the Department of Public Safety and Corrections (DPS) and is the State authority on highway safety matters. The State of Louisiana operates under the provisions of the Highway Safety Act of 1966, (23 U.S.C. 402). TITLE 23 – HIGHWAYS. Additionally, the State of Louisiana has enacted R.S. 48:1351 – 1357 to provide guidance for administration, Commission terms, meetings, expenses, Executive Director, Executive Committees, Powers, and Duties.

The mission of the LHSC is to develop and implement comprehensive strategies aimed at saving lives and preventing injuries on our highways.

The following organizational chart provides the working title of each position in the LHSC and its placement within this organization.

Figure 1. Organizational Chart



^a Double Encumbrance until 12/31/2008

^b Duties of vacant position temporarily being managed by the Deputy Director.

The LHSC is supported by a 21 member Commission. Each member of this commission is Appointed by the Governor. The current Commission members are:

Sheriff Rodney Arbuckle	DeSoto Parish	4 th Congressional District
Chief Randall Bryan	Vernon Parish	4 th Congressional District
Sheriff Robert Buckley	Union Parish	5 th Congressional District
Chief Jim Craft	Lafayette Parish	7 th Congressional District
Mr. Bobby Deen	Grant Parish	4 th Congressional District
Mr. Johnny Gaspard	Vermilion Parish	7 th Congressional District
Mr. Stephen Gremillion	Avoyelles Parish	5 th Congressional District
Chief Alexcie Guillory	St. Landry Parish	7 th Congressional District
Mr. Tommy Head	Caddo Parish	4 th Congressional District
Sheriff Tony Mancuso, Chair	Calcasieu Parish	7 th Congressional District
Sheriff Charles McDonald	Richland Parish	5 th Congressional District
Mr. Russ McInnis	Winn Parish	5 th Congressional District
Mr. Ray Morvant	Vermilion Parish	7 th Congressional District
Chief Dwayne Munch	Jefferson Parish	2 nd Congressional District
Lt. Col. Mark Oxley	Calcasieu Parish	7 th Congressional District
Mr. Carl Pendley	Caddo Parish	4 th Congressional District

Mr. Bobbie Price	Lincoln Parish	5 th Congressional District
Mayor Reggie Skains	Union Parish	5 th Congressional District
Mrs. Jennifer Sneed	Jefferson Parish	1 st Congressional District
Chief Warren Vedros, Sr.	Lafourche Parish	3 rd Congressional District

The LHSC administers projects in accordance with the Highway Safety Act of 1966 (Public Law 89-564) and guidelines promulgated by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA). Louisiana projects support the nine National Priority Program Areas (NPPA) identified by NHTSA, Safe Communities, and Railroad Safety. The LHSC has developed a problem identification method based on the most current data that recognizes state, parish, and municipality needs. The LHSC works with numerous partners throughout the development and implementation of its annual highway safety program in order to save lives and foster change in the attitudes of Louisiana's citizens.

Department of Transportation and Development

The Louisiana Department of Transportation and Development (LADOTD) is a department directly under the governor and civil service, is generally responsible for transportation within the state: airports, highways, bridges, railroads, waterways, intermodal transportation, public transportation, and mass transit. Public works and flood and drainage control also fall under DOTD's control. Their mission is to deliver transportation and public works systems that enhance quality of life and facilitate economic growth and recovery. Their goals include: continuously improve the performance of DOTD, deliver cost-effective products, projects, and services, improve customer service and public confidence, effectively develop and manage human resources, efficiently manage DOTD's financial resources.

The Highway Safety Division (HSD) of the LADOTD is responsible for implementing programming to reduce the number of people injured and killed each year on Louisiana's roadways. The HSD is responsible for allocating and managing Federal dollars granted to Louisiana from the National Highway Traffic Safety Administration, Federal Highway Administration, and the Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

Louisiana State Police

Louisiana currently has nine State Police Troops, each of which is comprised of a collection of Louisiana's 64 parishes (the rather unique Louisiana analog of counties). These troops are grouped into two regions. Together, these regions are commanded by a State Police major and come under the administration of a regional headquarters. Each of the nine troops is commanded by a State Police captain. The nine Troop areas and locations are: Troop A, Baton Rouge; Troop B, Kenner; Troop C, Gray; Troop D, Lake Charles; Troop E, Alexandria; Troop F, Monroe; Troop G, Bossier City; Troop I, Lafayette and Troop L, Mandeville and a Headquarters located in Baton Rouge.



The nine troops provide the full spectrum of police services throughout the State. In all areas of the state, not within municipal boundaries, the Patrol provides the primary enforcement of all traffic laws and is responsible for the investigation of traffic crashes on all roadways. Members of the Patrol are routinely called upon to assist municipal police agencies and sheriff's departments all across the State of Louisiana.

Courts

The judicial branch's power is vested in a Supreme Court, Courts of Appeal, district courts, and other courts including family courts, parish courts, and justice of the peace courts.

The **judicial branch** is responsible for administering the laws of the state and resolving legal conflicts. It includes the court system, comprising of Family and Juvenile Courts, the Clerk of Court, District Courts, District Attorneys, the Sheriff's office, Coroners, Circuit Courts, Courts of Appeal, and the Louisiana Supreme Court.

Supreme Court

The Supreme Court is composed of a chief justice and six associate justices, four of whom must agree in order to render a judgment. Supreme Court judges serve ten-year terms.

Supreme Court District

The state is divided into seven Supreme Court districts, and at least one judge is elected from each (These are distinct from the state's District Courts, for which there are currently 40). The districts and the number of judges assigned to each are subject to change by law enacted by two-thirds of each house of the legislature.

Supreme Court's Jurisdiction; Rule-Making Power; Assignment of Judges

The Supreme Court has general supervisory jurisdiction over all other courts. The Supreme Court has sole authority to appoint attorneys as temporary or ad hoc judges of city, municipal, traffic, parish, juvenile, or family courts.

Original Jurisdiction

The Supreme Court conducts disciplinary proceedings against members of the state bar association.

1. The jurisdiction of the Supreme Court in civil cases re-considers both the law and the facts when hearing appeals. In criminal matters, its jurisdiction extends only to questions of the proper interpretation of laws.
2. Besides the reasons listed above, a case may be appealed to the Supreme Court if (a) a law under which a person was convicted has been declared unconstitutional or (b) the defendant has been convicted of a capital offense and a death penalty has been imposed.

Supreme Court: Chief Justice

The judge oldest in point of service on the Supreme Court is named the state's chief justice. He/she is the chief administrative officer of the judicial system of the state.

Courts of Appeal

Courts of Appeal: Circuits; Panels; Judgments; Terms

The state currently has five circuit courts, with one court of appeal in each. Each court has panels of at least three judges. The judge with the longest term of service is named chief judge. A majority of the judges sitting in a case must concur to render judgment. The term of a court of appeal judge is ten years.

Courts of Appeal: Circuits and Districts

Each circuit is divided into at least three districts, and at least one judge is elected from each. The circuits and districts and the number of judges as elected in each circuit are subject to change by law enacted by two-thirds of each house of the legislature.

Courts of Appeal: Jurisdiction

With exceptions, a defendant has a right of appeal or review of her case if she does not agree with a circuit court's ruling. A court of appeal has jurisdiction of (1) all civil matters, and, (2) all matters appealed from family and juvenile courts, (3) most criminal cases that are triable by a jury. A court of appeal also has the jurisdiction to review and supervise cases which are heard within its circuit courts.

Courts of appeal generally do not hear new facts upon appeal of criminal cases, only questions of the lawfulness of a ruling. They are able to consider new facts, as well as questions of law, in civil cases.

Courts of Appeal: Certification

A court of appeal may refer any question of law before it to the Supreme Court, and the Supreme Court then may give its binding instruction or decide the case wholly.

District Courts

District Courts: Judicial Districts

The state is currently divided into 41 judicial district, plus Orleans, which is not assigned

a judicial district number. Each district is composed of at least one parish and served by at least one district judge. Each district elects a chief judge.

District Courts: Terms

The district, family, juvenile, parish, city, and magistrate courts have jurisdictions and numbers that are adjustable by a 2/3 majority vote of the legislature. As of 2007, the legislature may establish new judgeships for district courts as well. The term of a district, parish, or city court judge is six years.

District Courts: Jurisdiction

A district court has original jurisdiction of all civil and criminal matters. It is the exclusive original jurisdiction of felony cases and of most cases involving property. These types of cases are not ruled over by district courts: the right to run for office or other public position; civil or political right; and most issues of probate and succession. Additionally in exception, a family court may have jurisdiction of cases involving property when those cases relate to disputes over community property like the settlement of claims arising from divorce or annulment of a marriage.

Juvenile and Family Courts

Criminal cases against those younger than age seventeen are referred to juvenile courts. However the legislature may provide laws for exceptions to this rule for serious cases such as murder, rape, kidnapping, drug dealing, and armed robbery.

Judiciary Commission

On recommendation of the judiciary commission, the Supreme Court may discipline or remove judges from office.

Other Judicial Branch organizations are: Mayors' Courts, Justice of the Peace Courts, Parish Courts, City Courts, Magistrate Courts

District Attorneys

In each judicial district a district attorney serves a six-year-term. A district attorney must practice law for five years prior to his election. The district attorneys prosecute criminal cases within their districts, and are legal advisors to the grand jury. District attorneys may not be involved in the defense of any criminal cases.

Sheriffs

In each parish a sheriff is elected to four-year-terms. He is the chief law enforcement officer in the parish, as well as tax collector, with the exception of Orleans Parish.

Economy

The main elements of the Louisiana economy are: the production of minerals, particularly oil and natural gas, but also sulphur, lime, salt and lignite; petroleum refining; chemical and petrochemical manufacturing; tourism; forestry; pulp, plywood and papermaking; agriculture and food processing; commercial fishing; shipping and international trade; shipbuilding, and general manufacturing.

Oil and Natural Gas and Minerals Production-Louisiana contains just under 10 percent of all known U.S. oil reserves and is the country's third largest producer of petroleum. Its reserves of natural gas are even larger and it produces just over one-quarter of all U.S. supplies. Louisiana also has immense quantities of salt contained in huge underground formations, some of which are a mile across and up to 50,000 feet deep and produce almost 100 percent pure rock salt. The first sulphur mined in America came from Louisiana and the state is still a principal producer of the mineral.

Petroleum Refining-Louisiana petroleum refineries produce enough gasoline annually (15 billion gallons) to fill up 800 million automobile gas tanks, making the state the third leading refiner. The state's 16 refineries include one of the four largest in the Western Hemisphere and among the companies with Louisiana production facilities are Exxon, Shell, Citgo, Mobil, Marathon, Conoco, BP and STAR. In addition to producing gasoline, Louisiana refineries also produce jet fuels, lubricants and some 600 other petroleum products.

Chemicals And Petrochemicals-Louisiana ranks second in the nation in the primary production of petrochemicals. More than 100 major chemical plants are located in the state producing a variety of "building block" chemicals, fertilizers and plastics, plus the feedstock's for a wide array of other products. Synthetic rubber was first developed and produced commercially in Louisiana as were a number of other petroleum-related products.

Tourism -Tourism is a major Louisiana industry employing over 87,000 workers. Travelers spend an estimated \$5.2 billion in the state each year. Major tourist attractions include the New Orleans French Quarter, the Cajun Country, antebellum plantation homes, Jazz, distinctive food, deep sea and freshwater fishing, hunting, the Mardi Gras and more than 100 other festivals, swampland tours, hiking and camping, canoeing and Mississippi River boat rides.

Shipbuilding -Louisiana shipyards build every kind of seagoing vessel from giant cryogenic ships used to transport liquefied natural gas to some of the largest offshore oil and gas exploration rigs in the world. They also build merchant vessels, Coast Guard cutters, barges, tugs, supply boats, fishing vessels, pleasure craft and river patrol boats. The largest industrial employer in the state is Avondale Shipyards on the Mississippi River near New Orleans where vessels are sometimes built upside down and ships are launched sideways into the river rather than stern first as is the custom elsewhere.

Forestry and Forest Products -Louisiana has more than 13.9 million acres of forests, including pine, oak, gum and cypress. Approximately one billion board feet of timber and 3.6 million cords of pulpwood are cut annually to support a variety of forest-related industries including Kraft paper and fine-paper mills, plywood and particle board plants, furniture and flooring manufacturers, pulp mills, liner board and container board factories and paper bag plants.

Agriculture and Food Processing -Louisiana is among the top 10 states in the production of sugar cane (2nd), sweet potatoes (2nd), rice (3rd) and cotton (5th). It is also a major producer of beef cattle. Louisiana is the sole source of the Tabasco pepper

prized as a condiment around the world and is also the sole source of perique tobacco which is widely used as flavoring with other tobaccos. The state's huge agricultural production supports more than a dozen rice mills, seven sugar refineries plus nearly two dozen other sugar-related facilities, and a number of canning plants, cotton gins and meat packaging plants.

Commercial Fishing -Louisiana's commercial fishing industry catches about 25 percent of all the seafood landed in America and holds the record for the largest catch ever landed in a single year, 1.9 billion pounds. The state is the largest producer of shrimp and oysters in the U.S. Louisiana waters also yield menhaden, crab, butterfish, drum, red snapper, tuna and tile fish as well as a variety of game fish, including tarpon. The state's freshwater fishery is considered the most diversified in the U.S., and, in addition to fish, its commercial ponds and the Atchafalaya River Basin swamp produce millions of pounds of crawfish annually.

Shipping and International Commerce -Louisiana was originally purchased from France in order to secure the Mississippi River and the port of New Orleans for the safe movement of the goods and produce of the fledgling United States. Today, it remains a major avenue for the import and export of goods. The state's five major ports handle roughly 400 million short tons of cargo a year, including more than 40 percent of all the grain exported from the U.S. More than 25 percent of the nation's waterborne exports pass through Louisiana, and its Superport is the only facility in the U.S. capable of handling ultra deep draft vessels drawing 100 feet of water. More than 5,000 ocean-going ships call at Louisiana ports each year along with a seemingly endless stream of barge tows, some of which carry more than 40,000 tons of cargo, more than many seagoing ships. And, more than 185 years after its purchase from Napoleon, Louisiana remains a center for foreign investment with some 200 foreign companies having almost \$16 billion invested in the state, the largest amount of foreign investment in any southeastern state and ninth largest among all states.

General Manufacturing -In addition to its resource-based industries, Louisiana also has a diverse general manufacturing base. Louisiana produces business telephone systems, assembles light trucks, manufactures electrical equipment, and manufactures pharmaceuticals, glass products and automobile batteries, as well as specialized vehicles for traveling over marshes, maritime ranging equipment to let boats know where they are at sea, makes playground equipment, mobile homes, yachts, clothing and weapons, plus several hundred other products.

Aerospace/Aviation -While Martin Marietta employs more than 2500 workers in New Orleans to construct the external fuel tanks for NASA's space shuttle program, it is not Louisiana's only link to the nation's space program. NASA also operates an aerospace computer services center in Slidell. The state also has an emerging aviation services sector. The Boeing Corporation operates a major, aviation maintenance facility in Lake Charles which employs some 2,000 workers to repair and refit jet aircraft, while Collins Defense Communications, a division of Rockwell International, operates an aircraft modification center in Shreveport.

Biotechnology-Louisiana excels in the three most promising areas of biotechnological research and development - bioprocess, recombinant DNA and monoclonal antibody technology. Scientists at Louisiana State University were the first in the world to bring about the successful birth of a calf from one quarter of a transplanted embryo.

Louisiana's growing role in the world of biotechnological research is augmented by the Pennington Biomedical Research Center, a world-class facility in Baton Rouge which specializes in the study of the role of nutrition in health.

Film Industry -Louisiana's film history dates back to a 1908 production on "Faust." Last year (1994), production revenues from feature films, television, commercials and music videos produced in the state totaled more than \$37 million. Recent feature films shot here include Interview with the Vampire, The Pelican Brief, and Heaven's Prisoners. The Louisiana Film Commission offers a variety of services to both in-state and out-of-state production companies.

The Challenge

Laissez le bons temps rouler (let the good times roll) is not only a popular phrase during Mardi Gras, but for most of the State, it perfectly describes the lifestyle and daily living. The carefree, down home atmosphere makes anyone who lives and visits the State feel welcome.

The assessment team, used in the tradition of Louisiana, has asked the presenters to *Laissez le bons temps rouler* by being open, candid and “rolling” out the status of impaired driving in Louisiana. During two and one-half days of testimonies, a variety of stakeholders have shared their programs, efforts and views concerning the status of impaired driving in the State of Louisiana.

Louisiana, as most states, has done much to control the drinking driver on its roadways. This assessment is designed to strengthen those techniques that have been effective and to give new ideas to the many professionals that are active in the battle.

References:

U.S. Census - <http://quickfacts.census.gov/qfd/states/22000.html>

NCSA - 2007 Traffic Safety Fatality Reports – Louisiana: http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/22_LA/2007/22_LA_2007.htm

NCSA – 2007 Traffic Safety Fact Sheets: <http://www-nrd.nhtsa.dot.gov/cats/listpublications.aspx?Id=A&ShowBy=DocType>

Louisiana Supreme Court website - http://www.louisiana.gov/Government/Judicial_Branch/

Louisiana State Police website - <http://www.lsp.org/patrol.html>

Louisiana Department of Transportation website - <http://www.dotd.state.la.us/>

Louisiana Government website - <http://www.louisiana.gov/>

PRIORITY RECOMMENDATIONS

1-A: State, Local and Tribal DWI Task Forces or Commissions Advisory

- Convene a statewide task force, commission or leadership team to oversee the implementation of the Impaired Driving Assessment.
- Designate a lead statewide impaired driving coordinator who has the responsibility of leading the State effort to reduce and eliminate impaired driving.

1-B: Strategic Planning

- Develop a statewide strategic plan specifically focused on implementing the recommendations of the impaired driving assessment.

1-C: Program Management

- Implement fully the recommendations provided in the June 2, 2008, National Highway Traffic Safety Administration Special Management Review.

1-D Resources

- Implement the recommendations regarding spending issues provided in the Special Management Review (SMR).

2-A: Responsible Alcohol Service

- Enact Dram Shop liability legislation to hold licensed alcohol retailers liable for injuries or damages caused by patrons who were over served.
- Enact legislation restricting Happy Hours and other promotions.
- Increase the state alcohol excise tax on distilled spirits and wine.
- Revise drinking age statute to prohibit parents, guardians or spouses from providing alcohol to minors in licensed establishments.

3-A: Laws

- Enact legislation that will increase the penalty for driving with a suspended license from a fine to a criminal offense; Increase the penalty for refusing to submit to a breath test to check for blood alcohol content in a suspected Louisiana DWI; and prohibit depositions in administrative license hearings unless a trial de novo is sought.
- Enact an open container law that conforms to the requirements of SAFETEA-LU Technical Corrections Act of 2008, Section 154.

- Enact repeat intoxicated driver law that conforms to the requirements of SAFETEA-LU Technical Corrections Act of 2008, Section 164.

3-B: Enforcement

- Enact legislation to make the scope of the Administrative License Hearings (ALH) limited to the hearing itself.
- Establish an Enforcement of Underage Drinking Law (EUDL) coordinator position to facilitate working with Alcohol and Tobacco Control (ATC) and local law enforcement. This position should be paid for by EUDL funds.
- Require the Peace Officer Standardized Training Council be responsible repository and record keeping for all SFST officers, SFST instructors, Drug Recognition officers and Drug Recognition instructors.

3-D: Prosecution

- Enact legislation to effectively monitor and regulate deferred prosecution programs.

3-E: Adjudication

- Develop the Louisiana specific requirements for the parishes to establish DWI trial courts that will work within their system and as needed
- Install a comprehensive court data collection system, and
- Implement science based judicial education

3-F-1: Administrative License Revocation and Vehicle Sanctions:

- Support Governor Jindals legislative priorities for cracking down on drunk drivers in the upcoming legislative session.

IV. COMMUNICATION PROGRAM

- Improve and publicize the LHSC website with frequent updates, more messages, and information regarding traffic safety.

5-A-1: Criminal Justice System

- Establish a system of screening, evaluation and referral for all DWI offenders including first offenders.

5-B: Treatment and Rehabilitation

- Establish DWI Treatment Courts throughout Louisiana.

6-A: Evaluation

- Mandate that all courts and prosecutors forward citations and their final adjudication to the Louisiana Office of Motor Vehicle and that they are posted to the driver history.

6-B: Data and Records

- Mandate that project managers for the Louisiana Supreme Court Traffic Project, The Louisiana District Attorneys Association CRIME project and the Louisiana Highway Safety Commission Electronic DWI Reporting System work together to ensure: there is no duplication of effort in projects, that data from all projects will integrate and that the projects provide the State with a complete, timely and accurate data product.
- Design and implement an electronic ignition interlock system that tracks the life of a court ordered installation and links with the driver history and the court.

6-C: Information and Records Systems (including Licensing)

- Develop and implement a statewide citation tracking system. Use the DWI tracking system under development as a template.

I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING

Effective impaired driving programs begin with strong leadership, sound policy development, program management, strategic planning, and an effective communication program. Program efforts should be data driven, focusing on populations and geographic areas that are most at risk, and science based, determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification and carefully managed and monitored for effectiveness. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers.

1-A: State, Local and Tribal DWI Task Forces or Commissions Advisory

States, local subdivisions and tribal governments should convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment and coordination among all parties interested in impaired driving issues. A Statewide task force, and commission or leadership team should be convened following each Impaired Driving Assessment to develop a Statewide Strategic Plan for implementing the Assessment recommendations and to oversee its implementation. Task forces and commissions should:

- *Enjoy active support and participation from the highest levels of leadership.*
- *Include members that represent all interested parties, both traditional and non-traditional, such as representatives of: government – highway safety, enforcement, criminal justice, liquor law enforcement, public health, driver licensing and education; business – employers and unions; the military; medical, health care and treatment; multi-cultural, faith-based, advocacy and other community groups; and as appropriate neighboring countries.*
- *Recommend goals and objectives, provide policy guidance and identify available resources, based on their wide variety of interests and through leveraging opportunities.*
- *Coordinate programs and activities to ensure that they complement rather than compete with each other.*
- *Operate continuously, based on clear authority and direction, established by law.*

Status

The State of Louisiana does enjoy active support and participation from its highest level of leadership through its Governor, Bobby Jindal. Governor Jindal seems to have immediately reestablished a working mission for the Governor's Task Force on Driving While Intoxicated (DWI)- Vehicular Homicide. Representatives testifying before the Impaired Driving Assessment Panel indicate that this task force has been meeting monthly and providing leadership and problem solving to the State's impaired driving issues especially those issues related to positive policy development. This apparently is a

drastic change from the past use of this task force prior to the new administration taking office. There was testimony that the Governor's Office participation has made the task force much more effective.

Members of the Governor's Task Force on DWI-Vehicular Homicide are appointed by the Governor unless otherwise specified and are as follows:

- Governor/designee
- Attorney General/designee
- Louisiana (LA) Sheriff's Association Representative
- Municipal Police Office Association
- House Speaker/designee
- Senate President/designee
- House Representative appointed by Speaker
- Senator appointed by Senate President
- Commissioner of the Office of Alcohol & Tobacco Control-Department of Revenue/designee
- Assistant Secretary of Department Public Safety (DPS)-Office of Motor Vehicles/designee
- Executive Director of LA Highway Safety Commission/designee
- Assistant Secretary Department of Health and Hospitals (DHH)-Office Addictive Disorder/designee
- LA State Police (LSP) Representative
- LA State Police Crime Lab Representative
- Secretary of Department of Transportation and Development (DOTD)/designee
- Director LA Property & Casualty Insurance Commission/designee
- LA District Attorneys (D.A.) Association Representative
- Mothers Against Drunk Driving (MADD) Representative
- LA Restaurant Association Representative
- 2 at-large members

**Governor appoints the chair. (Created by KBB 04-32:BJ 08-70)*

Current members of the Governor's Taskforce on DWI – Vehicular Homicide are the following:

Chairman Murphy Painter
8585 Archives Ave., Ste. 220
Baton Rouge, LA 70809
(225) 925-4054

Amedee, Lee "Jody" (Sen)	2109 S. Burnside Gonzales, LA 70737	(225) 644-1526
Ankner, Wm D. "Bill" , Ph.D.	P. O. Box 94245 Baton Rouge, LA 70804	(225) 379-1200
Attinger, Bruce C.	19444 E. Lakeway Ave Baton Rouge, LA 70810	(225) 755-8135
Baldone, Damon (Rep)	162 New Orleans Blvd. Houma, LA 70364	(985) 876-8872

Broussard, Norma B.	200 Derbigny St - 5th Floor Gretna, LA 70053	(504) 368-1020
Churchman, Jim	376 East Airport Ave Baton Rouge, LA 70806	(225) 925-6216
Conaway, Camille	P.O. Box 94004 Baton Rouge, LA 70804	(225) 342-8275
Devillier, Emma J.	1885 North Third Street, Suite 200 Baton Rouge, LA 70802	(225) 326-6266
Duffy, Michael	Post Office Box 293 Greenwell Springs, LA 70739	(225) 342-6717
Dupre, Reggie P., Jr. (Sen)	P.O. Box 3893 Houma, LA 70361-3893	(888) 868-6119
Hodges, Kay B.	P. O. Box 64886 Baton Rouge, LA 70896	(225) 925-6161
Johnson, Mark (Corporal) S	1810-B Martin Luther King Dr. Monroe, LA 71202	(318) 329-2588
LeBlanc, John A. (Col.)	1049 Nelson Rd St. Martinsville, LA 70582	(225) 925-6991
Minor, Pat	3535 S. Sherwood Forest Blvd, # 233 Baton Rouge, LA 70816	(225) 291-4440
Mitchell, Ralph, Jr. (Lt. Col)	7919 Independence Blvd., Box A-12 Baton Rouge, LA 70806	(225) 925-6402
Moss, Terrell B.	P. O. Box 94214 Baton Rouge, LA 70804	(225) 342-7189
Painter, Murphy J.	P. O. Box 127 Gonzales, LA 70707	(225) 925-4041
Perry, Jonathan (Rep)	407 Charity St. # 102 Abbeville, LA 70510	(337) 893-5035
Smith, Walter, Jr.	P.O. Box 165 Slaughter, LA 70777	(225) 654-4278
Tate, Donna M.	2335 Poplarwood Drive Baton Rouge, LA 70816	(225) 287-6850
Torres, Beauregard	P.O. Box 248 New Roads, LA 70760	(225) 638-5400

The State of Louisiana also has a Strategic Highway Safety Plan (SHSP). The purpose of the SHSP is to reduce the number of deaths and injuries on Louisiana roadways. According to the State, many accomplishments have been achieved in highway safety and further opportunities are available; yet, the challenges remain numerous. Despite these challenges, the main characteristics for success are in place, e.g.: strong leadership, goal setting strategies that take into account the objectives of all safety plans, a comprehensive, data driven, collaborative approach, and keen attention to implementation.

The SHSP includes a Vision: *Louisiana travelers arrive safely at their destinations*; a Mission: *Reduce the human and economic toll on Louisiana's surface transportation system due to traffic crashes through widespread collaboration and an integrated 4-E approach*; and an overall Goal: *Reduce the Louisiana fatality rate to 1.54 per 100 Million Vehicle Miles Traveled (MVMT) by 2010*.

The SHSP contains four basic objectives designed to accomplish the goal. The objectives are supported by a program of strategies to guide implementation and establish performance measures to regularly assess progress.

1. Implement an effective, comprehensive systems approach for improving road user behavior;
2. Use a systems approach in engineering to strike a balance between single unique locations and addressing the safety of the road network;
3. Develop a comprehensive, timely, and accurate information and decision support system; and
4. Develop a comprehensive, data driven legislative safety agenda that all partners actively support and implement.

The SHSP has a very comprehensive team representing a number of governmental (federal, state and local) agencies, not for profit organizations, commissions, universities, and associations as can be seen in Table 1.

Table 1

Strategic Highway Safety Plan Team (SHSP-T)

Agency		Champions	
State			
Louisiana Department of Transportation and Development (DOTD)	Dan Magri Eric Kalivoda Terri Monaghan Hadi Shirazi	Julie Sukkar Karla Schiro Michael Schiro	
Louisiana Highway Safety Commission (LHSC)	John LeBlanc Jamie Ainsworth	Jim Dickerson	
Louisiana State Police (LSP/Motor Carrier Safety Assistance Program)	Ralph Mitchell, Jr. Larry Creasey	Milana Walters Brian Wynne	
Louisiana LTAP Center/Transportation Research Center	Marie Walsh	Chester Wilmot	
Louisiana State University	Helmut Schneider Laurene Hutchinson (CMV) Ramona Forbes (Crash Data Collection) Sara Graham (Fatality Reporting)		
Operation Lifesaver	Pat Edwards		
Louisiana Office of Public Health	Mona Doshani		
Louisiana Planning Council	Huey Dugas		
Louisiana Office of Motor Vehicles	Carla Dorris		
Region/Local			
Capitol Regional Planning Commission	Huey Dugas		
New Orleans Regional Planning Commission	Walter Brooks	Johnny Bordelon	
Federal			
Federal Highway Administration	Mary Stringfellow	Betsey Tramonte	
Federal Motor Carrier Safety Administration	Sterlin Williams	Bill Norris	
Implementation Partners			
Local			
Fire Departments	Louisiana Motor Transport Association		
Louisiana Chiefs of Police Association	Louisiana Sheriffs Association		
Louisiana District Attorneys Association	Louisiana Municipal Association		
Louisiana Police Jury Association (Councilmen)	Other MPOs		
State			
Emergency Medical Services	Office of Vital Records		
LSP Troop Commanders			
Federal			
National Highway Traffic Safety Administration	Federal Railroad Administration		
Federal Transit Administration			

The State of Louisiana also has regional DWI task forces. Much like the statewide task forces, this task force has representation from numerous stakeholders as can be noted below:

- American Automobile Association (AAA)
- Attorney General Office
- Council on Alcohol and Drug Abuse (CADA)
- Jefferson Parish District Attorney
- Jefferson Parish Sheriff's Office
- LA Department of Insurance
- LA Supreme Court
- LA Wild Life and Fisheries
- Louisiana Highway Safety Commission (LHSC)
- Lafourche Parish Sheriff's Office
- Louisiana State Police
- Interim LSU Public Hosp.
- New Orleans Traffic Court
- National Safety Council
- St. Charles Parish Sheriff's Office
- Slidell Police Department
- ST. Bernard Sheriff's Office
- LA District Attorney Association
- P & C Insurers Association
- Kenner Police Department
- ST. John Parish. Sheriff's Office
- State Farm
- Terrebonne Parish Sheriff's Office
- City of Kenner Clerk of Court
- Causeway Police Department

According to testimony presented to the Impaired Driving Panel, this task force meets monthly and has been in operation for at least ten years, rotating chairs every two years. The primary focus is on legislative issues, education and training, problem-solving and most of all, for networking opportunities.

Recommendations

- **Convene a statewide task force, commission or leadership team to oversee the implementation of the Impaired Driving Assessment.**
- Implement systematic quarterly meetings of the Strategic Highway Safety Plan Committee (SHSP), aggressively execute strategies identified in the SHSP and ensure impaired driving is a constant agenda topic at meetings.
- Continue to execute monthly meetings of the Governor's Task Force on DWI-Vehicular Homicide and publicize the work of the task force to gain support for its initiatives especially from local chiefs and sheriffs.
- **Designate a lead statewide impaired driving coordinator who has the responsibility of leading the State effort to reduce and eliminate impaired driving.**
- Enhance coordination among current traffic safety programs and existing prevention coalitions, particularly in the areas of underage drinking.
- Develop regional DWI task forces throughout the state in order to gain local support for DWI initiatives.

1-B: Strategic Planning

Advisory

States should develop and implement an overall plan for short and long term impaired driving activities. The plan should:

- *Be based on careful problem identification that uses crash, arrest, conviction, driver record and other available data to identify the populations and geographic areas most at risk.*
- *Allocate resources for countermeasures determined to be effective that will impact the populations and geographic areas most at risk.*
- *Include short-term objectives and long-range goals.*

Following each Impaired Driving Assessment, States should develop (or update) a Statewide Strategic Plan focused specifically in implementing the Assessment recommendations. A Statewide task force, commission or leadership team should be convened and charged with overseeing its implementation.

Status

The Louisiana Highway Safety Plan (LHSP) is completed annually and submitted to the National Highway Traffic Safety Administration (NHTSA) prior to September 1 by the Louisiana Highway Safety Commission (LHSC). Numerous stakeholder meetings, data analysis, and opportunities for partner feedback occur throughout the year to examine needs and potential solutions. Additional meetings are held to assess data improvements and reassess areas of need. The LHSC staff provides guidance and recommendations to the Assistant Director and Executive Director regarding ongoing programming; and the LHSC staff continues to discuss estimated grant carry forward, potential grant awards, and existing contractual agreements in order to complete the final plan.

The LHSC is supported by a 21 member Commission, which includes:

• Sheriff Rodney Arbuckle	DeSoto Parish	4 th Congressional District
• Chief Randall Bryan	Vernon Parish	4 th Congressional District
• Sheriff Robert Buckley	Union Parish	5 th Congressional District
• Chief Jim Craft	Lafayette Parish	7 th Congressional District
• Mr. Bobby Deen	Grant Parish	4 th Congressional District
• Mr. Johnny Gaspard	Vermilion Parish	7 th Congressional District
• Mr. Stephen Gremillion	Avoyelles Parish	5 th Congressional District
• Chief Alexcie Guillory	St. Landry Parish	7 th Congressional District
• Mr. Tommy Head	Caddo Parish	4 th Congressional District
• Sheriff Tony Mancuso, Chair	Calcasieu Parish	7 th Congressional District
• Sheriff Charles McDonald	Richland Parish	5 th Congressional District
• Mr. Russ McInnis	Winn Parish	5 th Congressional District
• Mr. Ray Morvant	Vermilion Parish	7 th Congressional District

• Chief Dwayne Munch	Jefferson Parish	2 nd Congressional District
• Lt. Col. Mark Oxley	Calcasieu Parish	7 th Congressional District
• Mr. Carl Pendley	Caddo Parish	4 th Congressional District
• Mr. Bobbie Price	Lincoln Parish	5 th Congressional District
• Mayor Reggie Skains	Union Parish	5 th Congressional District
• Mrs. Jennifer Sneed	Jefferson Parish	1 st Congressional District
• Chief Warren Vedros, Sr.	Lafourche Parish	3 rd Congressional District.

The LHSC administers projects in accordance with the Highway Safety Act of 1966 (Public Law 89-564) and guidelines promulgated by NHTSA and the Federal Highway Administration (FHWA). Louisiana projects support the nine National Priority Program Areas (NPPA) identified by NHTSA, Safe Communities, and Railroad Safety. The LHSC has developed a problem identification method based on the most current data that recognizes state, parish, and municipality needs.

The State of Louisiana operates under the provisions of the Highway Safety Act of 1966, (23U.S.C. 402). TITLE 23 – HIGHWAYS. Additionally, the State of Louisiana has enacted R.S. 48:1351 – 1357 to provide guidance for administration, Commission terms, meetings, expenses, Executive Director, Executive Committees, Powers, and Duties.

Louisiana has exceeded the national average for the percent of alcohol-related fatal crashes from 2003 through 2007 for which data is available. Louisiana has a low DWI conviction rate, and a corresponding high recidivism rate. Drinking and driving is taken in a very light manner in Louisiana as testified by several appearing before the Impaired Driving Panel. With a stated stance of, “Let the good times roll,” a cultural shift toward understanding the realities and consequences of drinking and driving must take place in the State.

Louisiana has a Zero Tolerance law (.02 blood alcohol concentration (BAC)) for impaired drivers less than 21 years of age. However, 18- to 20-year-olds are allowed to enter bars in Louisiana, and 2,698 15- to 20-year-olds were arrested for Driving While Intoxicated (DWI) in 2007. Among the 15- to 20-year-old population there were 538 alcohol-related fatal and injury crashes in Louisiana in 2007.

In 2007, Louisiana’s alcohol-related fatalities were concentrated within 16 problem parishes in the State and the LHSC has directed numerous programs as identified in their highway safety plan to these areas. However, as testified during this assessment, impaired driving has been put on the “back burner” in many locations throughout the state due to the high violent crime rate. The general public view of DWI is that it is a traffic violation versus criminal behavior, which makes the efforts of the LHSC and traffic safety stakeholders that much more important and that much more difficult.

The State’s Strategic Highway Safety Plan (SHSP) also establishes goals, objectives, strategies, and performance measures based on a thorough examination of crash and other types of traffic-related data and through dialogue among many partners. The extensive, ongoing data analysis process within the SHSP examines the nature and location of safety problems. Ultimately, the SHSP will lead to the development of detailed, action plans together with a tracking mechanism and evaluation design.

While the SHSP portrays aggressive driving as the highest contributing cause of fatal crashes, alcohol related fatal crashes are not far behind. The SHSP has determined 11 emphasis areas on which to focus. Impaired driving will be given most of the focus in the coming year especially related to public education and awareness.

Recommendations

- **Develop a statewide strategic plan specifically focused on implementing the recommendations of the impaired driving assessment.**
- Develop and implement a comprehensive strategic plan specifically for impaired driving with well-defined, short and long-range impaired driving target goals for all areas of an impaired driving program including, but not limited to:
 - Targeted reduction in impaired driving crashes, injuries, and fatalities;
 - A targeted reduction in average BAC;
 - A targeted increase in DWI arrests and convictions; and
 - A targeted reduction in underage involvement in DWI crashes.
- Implement data tracking systems that will effectively measure the target goals mentioned in the prior bullet on a statewide and localized basis.
- Implement fully the strategies (short term and long range) identified in the HSP and SHSP related to impaired driving as a priority.

1-C: Program Management

Advisory

States should establish procedures to ensure that program activities are implemented as intended. The procedures should provide for systematic monitoring and review of ongoing efforts to:

- Designate a lead agency that is responsible for overall program management and operations.*
- Ensure that appropriate data are collected to assess program impact and evaluation.*
- Measure progress in achieving established goals and objectives.*
- Detect and correct problems quickly.*

Status

The Louisiana Highway Safety Commission (LHSC) serves as the lead agency responsible for overall program management and operations of the States highway safety program. The LHSC administers the state's highway safety grant program in accordance with the provisions of the Highway Safety Act of 1966 (Public Law 89-564) and amendments thereto and federal rules and regulations as may be adopted in implementation thereof. Louisiana's highway safety program is designed to reduce traffic crashes and the resulting deaths, injuries and property damage. Programs and projects are administered in accordance with uniform guidelines promulgated by the National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA).

The LHSC is supported by a 21 member Commission (named in section 1-B Strategic Planning) for the purpose of assisting LHSC staff in assessing the needs of the State, parishes and municipalities as it relates to highway safety and providing necessary solutions to meet those needs. Because federal funding for the highway safety program is minimal, projects implemented by the LHSC are limited to priority program areas, based on severity of the crash, over-representation, and magnitude of the problem. There are three contributing factors associated with a traffic crash: the roadway and environment, the vehicle, and the driver (human). Human factors also known as behavioral issues such as; driving after drinking, speeding, not using occupant protection devices, etc. can contribute to some of the most severe traffic crashes. LHSC's highway safety plan seeks to coordinate and unite state and local programs and projects to reduce traffic crashes, deaths, and injuries by focusing on enforcement, public information and education, and legislation.

The LHSC is responsible for coordinating and administering the traffic safety program which result in the following responsibilities:

- Develop and administer the annual State Highway Safety Plan;
- Manage traffic safety projects in federally designated priority program areas and in other areas as may be assigned or as determined by problem identification processes;
- Provide oversight to prospective grantees and assist them in the development and implementation of traffic safety projects at the local level;
- Develop statewide traffic safety policies and procedures using input from stakeholders, partners and others;
- Communicate and coordinate activities with local parishes, stakeholder groups and the general public;
- Ensure compliance with state and federal regulations;
- Administer traffic safety evaluation and research;
- Provide legislative information on traffic safety issues;
- Review, approve, and execute grants, contracts, and subcontracts;
- Approve subcontracts or process them for federal approval;
- Provide operational oversight to assure conformity with program and project management policies and procedures; and
- Monitor the activities, results, and expenditures of approved State agency grants.

The State of Louisiana engaged in an Impaired Driving Special Management Review (SMR) conducted by NHTSA on June 2, 2008. The SMR was initiated with a briefing by the NHTSA review team to the Executive Director and Governor's Highway Safety Representative (GR), LHSC Assistant Director and the LHSC staff. This briefing addressed the purpose of and authority for the SMR, the review process and logistics, and the timetable for completing the review report.

A portion of the review was devoted to documenting the use of grant funds awarded to the LHSC and used to support activities in the impaired driving program. A determination was also made as to the eligibility of the funded activities and projects reviewed, based upon the implementing regulations for each grant program. Documents reviewed were primarily from fiscal years 2007 and 2008.

At the conclusion of the SMR on-site visit, on June 5, 2008, the NHTSA review team again briefed the Executive Director & GR, the Assistant Director. This briefing discussed the program management considerations and strengths identified during the on-

site review. The team also addressed definitions of key terms and the timeline for the SMR final report development. Within the SMR, a number of program management recommendations were made by the NHTSA review team for which the Impaired Driving Assessment Panel concurs. Notwithstanding the drastic improvements in the leadership and direction of the Governor's Task Force on DWI –Vehicular Homicide since the NHTSA SMR, all other program management recommendations remain relevant.

It is important to note that since the new Executive Director of the LHSC has been aboard, he has embraced positive change and searched for ways to improve the overall program management and operations of the highway safety program. While data constraints exist throughout the State as testified by many persons interviewed, it is critical that the agency continue to find ways to utilize data that is available such as that provided by the Louisiana State University Highway Research Group. This group will assess the State's impaired driving problems and consequently measure the impact of countermeasures that the State deploys. In instances where data gaps exist, the LHSC should serve as a leader to resolve those issues.

Recommendations

- **Implement fully the recommendations provided in the June 2, 2008, National Highway Traffic Safety Administration Special Management Review.**
- Designate a lead statewide impaired driving coordinator.
- Evaluate systematically all impaired driving programs that are being implemented.
- Establish regional impaired driving task forces where they do not exist.
- Engage the Louisiana State University Highway Research Group to do comprehensive evaluation of the impaired driving projects to determine if overtime funds being expended are effective.
- Fund impaired driving training for judges and prosecutors especially as it relates to the latest techniques and detection strategies of drug impaired drivers.
- Create an effective Louisiana Highway Safety Commission website that provides the most current data and countermeasures being deployed throughout the State.

1-D Resources

Advisory

States should allocate sufficient funding, staffing and other resources to support their impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers. The ultimate goal is for State impaired driving programs to be fully supported by impaired drivers and to avoid dependence on other funding sources. States should allocate funding, staffing and other resources to impaired driving programs that are:

- *Adequate to meet program needs and proportional to the impaired driving problem.*
- *Steady and derived from dedicated sources, which may include public or private funds.*
- *Financially self-sufficient, and to the extent possible paid by the impaired drivers themselves. Some States achieve financial self-sufficiency using fines, fees, assessments, surcharges or taxes. Revenue collected from these sources should be used for impaired driving programs rather than returned to the State Treasury or General Fund.*

Status

Based on the SAFETEA-LU Technical Corrections Act of 2008 (as of September 2008), the State of Louisiana received \$25,388,673 in federal highway safety funding. In actuality however, the Louisiana Highway Safety Commission (LHSC) received roughly \$10,056,243 in federal funds as \$15,332,430 was transferred back to the Louisiana Department of Transportation and Development (DOTD) for hazard elimination projects. It should be noted that Section 154 and Section 164 funds have been originally transferred from the DOTD because the state failed to comply with these two funding sections. According to the Section 154 and 164 legislation and interim regulations, any State that does not enact and enforce a conforming ***open container*** and ***repeat intoxicated*** driver law will be subject to a transfer of funds. If a State does not meet the statutory requirements of either program on October 1, 2000 or October 1, 2001, an amount equal to one and one-half percent of the funds apportioned to the State on those dates under each of Sections 104(b)(1), (b)(3) and (b)(4) of title 23 of the United States Code will be transferred to the State's apportionment under Section 402 of that title **for each of the non-complying programs**. If a State does not meet the statutory requirements on October 1, 2002, an amount equal to three percent of the funds apportioned to the State on that date under Sections 104(b)(1), (b)(3) and (b)(4) will be transferred **for each of the non-complying programs**. An amount equal to three percent will continue to be transferred on October 1 of each subsequent fiscal year if the State does not meet the requirements on those dates.

The Section 154 and 164 legislation and interim regulations provide that the funds transferred to Section 402 under this program are to be used for alcohol-impaired driving countermeasures or directed to State and local law enforcement agencies for the

enforcement of laws prohibiting driving while intoxicated, driving under the influence or other related laws or regulations. In addition, they provide that States may elect to use all or a portion of the transferred funds for hazard elimination activities under 23 U.S.C. 152.

According to the Louisiana Special Management Review (SMR), the State qualified as a high fatality rate State in Federal Fiscal Years 2006 and 2007 and was awarded \$2,427,779 in FY06 and \$2,695,199 in FY07 under the Section 410 high fatality rate program. As of May 21, 2008, Louisiana had an unexpended balance of \$2,538,939 of high fatality rate funds and \$1,549,772 of high visibility enforcement funds for a total of \$4,088,711. The State also has an unexpended balance of \$1,135,288 in programmatic 410 grant funds and an unexpended balance of \$500,000 in Section 154 alcohol funds and \$500,000 in Section 164 alcohol funds (the Section 154 and 164 were recently awarded). The grand total of alcohol-specific funds currently available is \$6,223,999. Data used to determine Section 410 high fatality rate States indicates that Louisiana will again be among the States eligible to receive a 410 High Fatality Rate grant in FY08.

In review of the State's 2009 Highway Safety Plan, the state has allocated more than \$8.2 million in funds to counter impaired driving in this federal fiscal year alone (see Table 2). This does not include police traffic safety funds that are also used by the state to counter impaired driving.

Table 2

SUMMARY OF IMPAIRED DRIVING FUNDS ALLOCATED TO 2009 PROJECTS BY SOURCE	
402 AL	\$206,769.00
406 AL	\$2,000.00
410 AL	\$2,001,751.00
410 PM	\$140,000.00
410 HFR	\$3,568,644.00
410 HV	\$1,402,869.00
154 AL	\$450,000.00
164 AL	\$450,000.00
TOTAL	\$8,222,033.00
*AL = ALCOHOL	
*PM = PAID MEDIA	
*HFR= HIGH FATALITY RATE	
*HV= HIGH VISIBILITY	

The State obviously is directing considerable resources to the impaired driving problem; however, due to the cultural shift that is required to counter the State's impaired driving issues even these funding efforts alone may not be enough. The State implements a number of enforcement, education and awareness, Driving While Intoxicated (DWI) Court, training, and youth programs along with paid media. The key for the State is to now determine an effective strategy for measuring the success of these programs and make adjustments as necessary to create the most efficient and cost effective statewide impaired driving program. The State is not actively seeking program income or sponsorship.

Recommendations

- Evaluate projects to determine if resources are being allocated in the most effective manner.
- **Implement the recommendations regarding spending issues provided in the Special Management Review (SMR).**
- Conform to the necessary components to meet the criteria to qualify for Section 410, Section 154 and Section 164 funds.
- Designate a lead statewide impaired driving coordinator who has the responsibility of comprehensively leading the state effort to reduce and eliminate impaired driving.

- Procure corporate/business sponsorships and support of events, programs, and campaigns.

1-E: Data and Records

Advisory

States should establish and maintain records system that uses data from other sources (e.g., U.S. Census, Fatality Analysis Reporting System (FARS), Crash Outcome Data Evaluation System [CODE]) to fully support the impaired driving program, and that is guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders and the wide range of disciplines that need the information.

Further details regarding Data and Records can be found in Section VI.B.

Status

Louisiana State University (LSU) has conducted behavioral studies such as seat belt use, and provides studies upon request. They also compare their data with Fatality Analysis Reporting System (FARS) data and use census data for some projects.

Louisiana does not have an inventory of state and local information sources. Department of Transportation and Development (DOTD) calculates economic loss or costs to determine project funding priorities.

Louisiana continues working with the Commercial Vehicle Analyst Reporting System (CVARS) to improve the quality and quantity of data collected from commercial vehicle crash reports.

The Louisiana State Police (LSP) has Global Positioning System (GPS) devices in patrol vehicles which capture location data for electronic crash reports. The *Easy Crash* electronic report package provided by Louisiana State University (LSU) to other enforcement agencies includes GPS devices that capture the location data at crash sites. This information integrates with the Geographic Information System (GIS) platform at DOTD and can provide refined and accurate information for local agencies using the devices.

Demographic data are not used at this time.

Program coordinators in the Louisiana Highway Safety Commission (LHSC) are responsible for monitoring grants in their assigned areas. Performance data other than crash data are not used. Statistical data analyses using before/after or other quasi-experimental studies to evaluate safety programs are apparently not performed on a routine basis.

The city of Baton Rouge operates an Advanced Traffic Management and Emergency Operations Center (ATM/EOC) using the Management Information System for Transportation (MIST®) to manage the freeway system in Baton Rouge. The system controls eight cameras with image displays available on the DOTD web page. Radar vehicle detectors provide congestion information for the Baton Rouge freeway system.

A statewide Louisiana Transportation Information System (LaTIS) will eventually connect regional traffic management centers in New Orleans, Lafayette, and Shreveport with a Statewide ATM/EOC in Baton Rouge for regional and statewide traffic/emergency operations. The TMCs will work jointly to detect incidents, communicate information to motorists, and improve traffic flow.

More information on Louisiana Intelligent Transportation Systems can be found at; http://www.dotd.louisiana.gov/press/traffic_cameras/its_about.asp

Louisiana has a Traffic Records Coordinating Committee (TRCC) that was established in 1999. Recently, the TRCC was expanded to a two-tiered structure, keeping the current TRCC intact as the Staff level and a new Executive level that is composed of senior managers from several agencies. The Executive Committee approves projects and the funding for them. The Staff Committee operates informally with working level representatives who meet to undertake projects of common interest or for projects shown in the Strategic Plan. One shortfall of the committee is that it does not have representation from the Office of Motor Vehicles or prosecutors.

The committee's primary focus has been to reduce the time for collection/processing of crash reports. A by-product of the review of the business processes resulted in a revision of Louisiana's crash report form. This project has resulted in greater coordination amongst the components of the traffic records system.

The TRCC has ties to funding resources, mainly 408 grant funds, to direct the development and integration of data systems. The committee does not have the authority or power to mandate that police agencies, prosecutors or courts participate in the development and integration of data. Annually, the LHSC solicits grant applications relating to traffic records and the members of the Executive Committee make recommendations about which of these traffic record activities should receive funding.

More information on Data and Records are in Section VI B.

Recommendations

- Expand the existing TRCC to include representation from the Office of Motor Vehicles and prosecutors.

1-F: Communication Program (see Section IV)

Advisory

States should develop and implement a comprehensive communication program that supports priority policies and program efforts.

Further details regarding the Communications Program can be found in Section IV.

Status

SEE SECTION IV

II. PREVENTION

Prevention programs should aim to reduce impaired driving through approaches commonly associated with public health – altering social norms, changing risky or dangerous behaviors, and creating safe environments. Prevention programs should promote communication strategies that highlight and support specific policies and program activities, and promote activities that educate the public on the effects of alcohol and other drugs, limit the availability of alcohol and other drugs, and discourage those impaired by alcohol and other drugs from driving.

Prevention programs may include responsible alcohol services practices, transportation alternatives, and community-based programs carried out in schools, at work sites, in medical and health care facilities and by community coalitions. Programs should prevent underage drinking and drinking and driving for persons under 21 years of age, and should prevent over-service and impaired driving by persons 21 or older.

Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be science-based, determined to be effective, and include a communication component.

2-A: Responsible Alcohol Service

Advisory

States should promote policies and practices that prevent underage drinking by persons under 21 years of age and over-service to persons 21 and older. States should:

- *Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21. Conduct compliance checks and “shoulder tap” activities and support the proper use of technology in alcohol retail establishments, particularly those catering to youth, to verify proper and recognize false identification.*
- *Adopt and enforce alcohol beverage control regulations to prevent over-service. Prohibit service to visibly intoxicated patrons, restrict alcohol sales promotions (such as “happy hours”), limit hours of sale, establish conditions on the locations of establishments to limit impaired driving (e.g., zoning restrictions) and require beer keg registration.*
- *Provide adequate resources (including funds, staff, and training) to enforce alcohol beverage control regulations. Coordinate with traditional State, county, municipal and tribal law enforcement agencies to determine where impaired drivers had their last drink and use this information to monitor compliance with regulations.*
- *Promote responsible alcohol service programs, written policies, and training.*

- *Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- *Provide that commercial establishments and social hosts may be held responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

Status

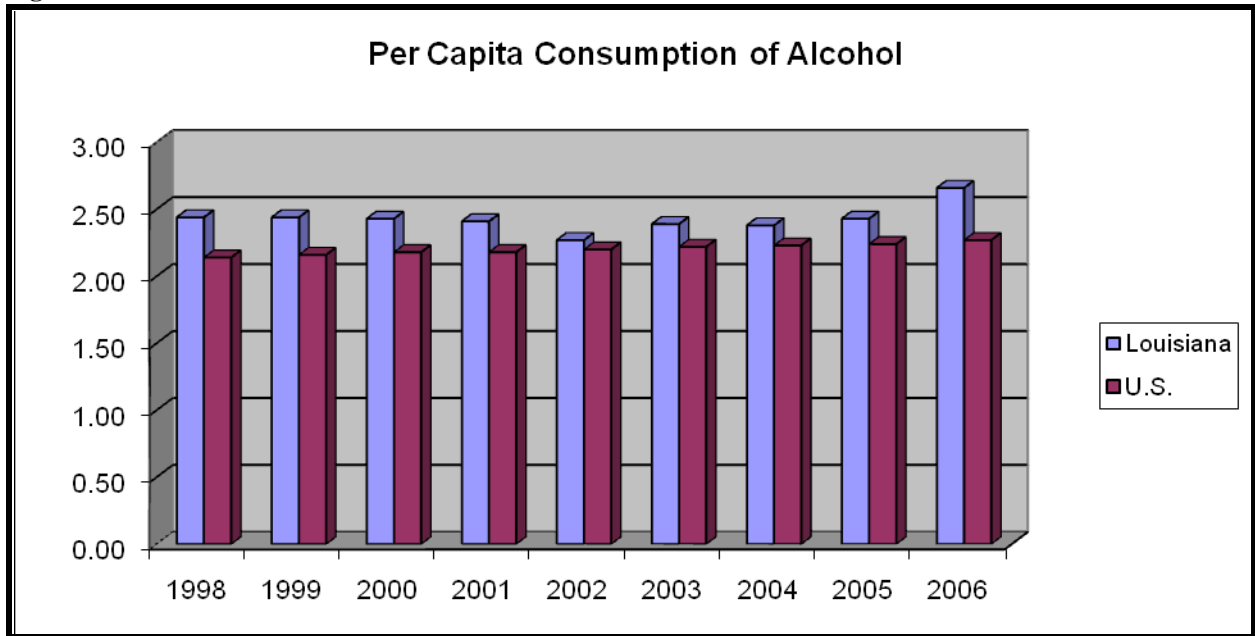
Louisiana has gained a reputation as having permissive social norms related to drinking alcohol. Louisiana was one of only two states to set its legal drinking age at 18 after repeal of prohibition and was one of the last states to increase the age to 21. In fact, the 1987 legislation did not prohibit sale of alcohol to those under 21, a loophole that was not closed until 1995. In addition, Mardi Gras has the reputation as one of largest drinking celebrations and “laissez les bons temps rouler” is a Cajun expression for “let the good times roll” commonly used to explain Louisianans appetite for alcohol.

As table 2-A-1 indicates, in 2006, the last year for which complete data were available, consumption of alcoholic beverages equaled 2.66 gallons of ethanol per capita nearly 15 percent higher than the national average of 2.27 gallons per capita. As figure 2-A-1 shows, alcohol consumption in Louisiana have been increasing at a faster pace than the national trend.

Table 2-A-1.

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006
Louisiana	2.44	2.44	2.43	2.41	2.27	2.39	2.38	2.43	2.66
U.S.	2.14	2.16	2.18	2.18	2.20	2.22	2.23	2.24	2.27
Difference	12.3%	11.5%	10.3%	9.5%	3.1%	7.1%	6.3%	7.8%	14.7%

Figure 2-A-1.



Louisiana has some of the lowest State alcohol excise tax rates in the country with distilled spirits taxed at a rate that is 50 percent below the national average and wine taxed at a rate that is less than 15 percent of the national average.

Table 2-A-2.

State Alcohol Excise Tax Rates	Distilled Spirits	Wine	Beer
	(\$ per gallon)	(\$ per gallon)	(\$ per gallon)
National Average	\$3.63	\$0.74	\$0.24
Louisiana	\$2.50	\$0.11	\$0.32

Louisiana's alcohol control laws are among the most permissive in the nation. L.R.S. 9:2800.1 limits the liability for loss connected with sale, serving, or furnishing of alcoholic beverages thus rendering both Dram Shop and social host liability useless. The statute states:

- A. *The legislature finds and declares that the consumption of intoxicating beverages, rather than the sale or serving or furnishing of such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person.*
- B. *Notwithstanding any other law to the contrary, no person holding a permit under either Chapter 1 or Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, nor any agent, servant, or employee of such a person, who sells or serves intoxicating beverages of either high or low alcoholic content to a person over the age for the lawful purchase thereof, shall be liable to*

such person or to any other person or to the estate, successors, or survivors of either for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were sold or served.

- C. *(1) Notwithstanding any other law to the contrary, no social host who serves or furnishes any intoxicating beverage of either high or low alcoholic content to a person over the age for the lawful purchase thereof shall be liable to such person or to any other person or to the estate, successors, or survivors of either for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were served or furnished.*

(2) No social host who owns, leases, or otherwise lawfully occupies premises on which, in his absence and without his consent, intoxicating beverages of either high or low alcoholic content are consumed by a person over the age for the lawful purchase thereof shall be liable to such person or to any other person or to the estate, successors, or survivors of either for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person who consumed the intoxicating beverages.

State law allows for sales of alcohol 24 hours a day, seven days a week. Alcohol is available for off-premise sale in liquor stores, grocery stores, drug stores, gas stations and virtually any other retailer with donut shops being the only exclusion mentioned in statute.

The only State level restriction on Happy Hours or other promotions is that alcohol may not be offered free of charge or in unlimited quantities for a single price.

Louisiana has mandated keg registration.

Louisiana has an open container law that is not fully compliant with federal guidelines. Open container restrictions do not apply to passengers and, under § 32: 300, the definition of open alcoholic beverage container excludes frozen alcoholic beverages.

Local Alcohol Beverage Control (ABC) boards in some parishes and municipalities issue local retail licenses in addition to State issued licenses. In addition, some municipalities impose 2:00 am closing for on-premise outlets, limit outlet density and use local zoning law to control location of outlets. State law prohibits local ABC boards from restricting hours of off-premise sales. Some local ABC boards require licensees to end Happy Hours by 10:00 pm but other promotions are not restricted.

Louisiana's minimum drinking age law is compromised in that individuals 18 to 20 can enter bars and can drink in bars if alcohol is provided by parents or guardians or spouses 21 or older.

The Louisiana Department of Revenue, Office of Alcohol and Tobacco Control (ATC) is

responsible for licensing all retail outlets for alcohol and for enforcing all alcohol control policies and statutes. Louisiana requires all employees of alcohol retailers to complete the Responsible Alcohol Vendor Program. A minimum of two hours of server training is required. The course covers fake identifications, over consumption, and other laws. It is estimated over 10,000 people complete this program every year.

ATC has a program that utilizes local law enforcement to notify ATC when there is a serious DWI crash with serious injuries or fatalities. ATC then investigates and seeks the source of the alcohol the impaired driver consumed to see if any laws were violated in its sale or consumption. Appropriate civil and criminal action takes place based on this investigation.

ATC completed 10,000 compliance checks a year using underage operatives to have not only a presence in the alcohol outlets but to gauge whether the public policy is working. If an establishment passes the compliance check, ATC always sends a congratulatory letter to management to let them know they have been checked and no problems were detected. An evaluation of the compliance check program indicated significant decreases in non-compliance.

ATC teaches local law enforcement how to complete compliance checks. Local law enforcement usually does not want to perform a compliance check due to the political climate of their jurisdiction. Local law enforcement does support the compliance checks and will “tip” ATC as to which establishments are problems.

The number of ATC agents has increased from 19 in 1996 to the present level of 50 agents. These 50 agents complete 1,000 to 1,500 compliance checks on approximately 13,500 establishments.

Recommendations

- **Enact Dram Shop liability legislation to hold licensed alcohol retailers liable for injuries or damages caused by patrons who were over served.**
- Enact social host liability legislation to hold individuals liable for injuries or damages caused by guests who were over served.
- **Enact legislation restricting Happy Hours and other promotions.**
- **Increase the state alcohol excise tax on distilled spirits and wine.**
- **Revise drinking age statute to prohibit individuals under 21 from entering bars.**
- Revise drinking age statute to prohibit parents, guardians or spouses from providing alcohol to minors in licensed establishments.
- Enact open container legislation that is in compliance with federal standards.

- Establish an Enforcement of Underage Drinking Law (EUDL) coordinator position to facilitate working with Alcohol and Tobacco Control (ATC) and local law enforcement. This position should be paid for by EUDL funds.
- Establish a collaborative working relationship between ATC and local law enforcement.

2-B: Transportation Alternatives

Advisory

States should promote alternative transportation programs that enable drinkers 21 and older to reach their destinations without driving. States should:

- *Actively promote the use of designated driver and safe ride programs, especially during high-risk times, such as holidays or special events.*
- *Encourage the formation of public and private partnerships to financially support these programs.*

Status

The State of Louisiana is very limited in major transportation alternatives outside motor vehicles. Public transportation is provided in Louisiana by rail, ferry, Louisiana Public Transit Association, New Orleans Regional Transit Authority, Amtrak Greyhound Lines, passenger vans, and local taxis. However, only in three urban areas do you find larger transit options. Baton Rouge offers the Capital Area Transit System (CATS). New Orleans offers the Crescent City Connection, Jefferson Transit and Regional TA. Finally Shreveport offers SportTran. In other parishes across Louisiana, you will find small transit options, but it is reported that these public transit options do not offer good alternatives to driving in most situations either due to their limited geographic options or the perceived negative risk for using these methods. As such, the general public practice is to utilize personal vehicles thus increasing exposure and risk to impaired drivers.

The Louisiana Department of Transportation and Development houses on their website a transit resource guide by parish for public travel in the State. While this is a useful site, the alternative transportation is mainly to assist the elderly and economically challenged versus a clear transportation alternative to all citizens of the State. Lack of adequate alternative transportation promotes motor vehicle use and thusly increases the potential for those with suspended driver's license to drive. It was reported during the assessment on a couple of occasions that adequate transportation alternatives throughout the State "do not exist" and this promotes to the problems of having unsafe drivers on the roadways.

Tipsy Taxi is a crime prevention program designed to complement the education effects aimed at schools, known as Crash Course, enforcement activities such as sobriety checkpoints and increased officer awareness and enforcement of impaired driving statutes in Lafayette Parish. The philosophy of Tipsy Taxi is a partnership between local law enforcement, alcohol beverage servers and vendors, and the community to encourage citizens to make proper choices.

After receiving specialized training the Tipsy Taxi, law enforcement officers, bartenders, and restaurant employees distribute vouchers to patrons who are too intoxicated to drive. The vouchers provide patrons with a free and confidential cab ride to anywhere in the Lafayette Parish. Rides are available 24 hours a day / 365 days a year. Tipsy Taxi is not

funded through tax dollars. Funding is provided through traffic offense fines and private denotations.

Louisiana State Police offer tips to keep you safe and within the law. Do not drive if you have consumed alcohol or taken drugs; use a designated driver or choose public transportation; and do not ride with someone who is impaired is their message.

Recommendation

- Endorse the development and use of safe ride programs.
- Form public and private partnerships to support safe ride programs.
- Ensure that safe ride programs avoid any consumption by underage individuals or unintentional enabling of over-consumption.
- Ensure Tipsy Taxi does not promote or encourage underage consumption of alcohol.

2-C: Community-Based Programs

Community-based programs implement prevention strategies at the local level through a variety of settings, including in partnerships involving traffic safety, schools, employers, medical and health care professionals and community coalitions and traffic safety programs.

2-C-1: School

Advisory

School-based prevention programs, beginning in elementary school and continuing through college and trade school, can play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant and coordinated with drug prevention and health promotion programs. States should:

- *Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of a comprehensive health education program.*
- *Promote alcohol-and drug-free events throughout the year, with particular emphasis on high-risk times, such as homecoming, spring break, prom and graduation.*
- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*
- *Provide training to school personnel (such as resource officers, health care providers, counselors, health educators and coaches) to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs (Drug Impairment Training for Education Professionals).*
- *Encourage colleges, universities and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities.*

Status

Louisiana students complete the Caring Community Survey that measures alcohol and substance use as well as risk and protective factors related to their use. In 2006, 44.6% of 12th grade students reported drinking at least once in the 30 days prior to the survey and 29% reported heavy drinking, that is, five or more drinks on at least one occasion. Louisiana's lax alcohol control policies are reflected in the results as the single most prevalent risk factor is perception of laws and norms that favor substance use. More than half (51.3%) of 12th grade students in Louisiana believed that social norms favor the use

of alcohol. While 96.7% of 12th graders think that cigarettes are potentially harmful and 79.2% see harm in smoking pot, only 65.4% see drinking alcohol as harmful. Student perception of parental norms shows that 96.2% think their parents disapprove of marijuana use and 85.9% disapprove of smoking cigarettes, 71.9% think their parents would disapprove of their drinking alcohol.

Louisiana has no mandatory standardized safety curriculum in grades K-12, however, the Louisiana Department of Education has issued education standards including Health Education Content Standards. While none of these standards directly address impaired driving, several address the issue indirectly.

STANDARD 6 states: Students will demonstrate the ability to advocate personal, family, and community health. Benchmarks 5-8 - By the end of grades 5-8 level students should know and be able to: develop strategies to encourage and influence others in making positive health choices (e.g., healthy food choices, abstaining from alcohol, tobacco, and illegal drug use, etc.);

STANDARD 2 states: The students will demonstrate the ability to access and evaluate the validity of health information and health-promoting products and services. Benchmarks 9-12 - By the end of the grades 9-12 level students should know and be able to examine mental, social, and physical conditions requiring professional health services (e.g., obesity, eating disorders, suicidal tendencies, depression, drug/alcohol abuse, diabetes, heart attack, burns, etc.).

The Baton Rouge Parish School System has established the I CARE Advisory Council that focuses on alcohol, drug abuse, and violence prevention programs. The I CARE Program provides prevention education to students in the areas of alcohol, tobacco, other drugs, violence, crisis response and management. The Council has initiated science-based prevention strategies including “Second Step” and “Too Good for Drugs” (TGFD). Most schools have at least one alcohol and drug-free alternative event a year. They receive regular encouragement to consider these types of events through the I CARE Council.

The Lafayette Consolidated Government, Office of Criminal Justice Support Services currently has a program where over two hundred sixth graders at two middle schools are educated on alcohol and drug prevention.

The mission of Louisiana Youth Prevention Services (LYPS) is to create a statewide network what will provide the youth of Louisiana with the best prevention and intervention tools possible to deal with the issues of underage drinking, impaired driving, drug abuse, and other destructive decisions. The Youth Conference falls under their guidance. Students plan and run the Taking Action! Youth Conference, develop new activities to be used by SADD and prevention clubs, serve as mentors for students across the State and provide a voice for the youth of Louisiana on all safety issues.

The conference focuses on the issues of promoting highway safety, preventing underage drinking, tobacco and other drugs, preventing other destructive behaviors and in general promoting positive programs and activities that give the youth of Louisiana positive

alternatives and a method for creating positive changes within their peer group.

Louisiana has approximately 400 chapters of Students Against Destructive Decisions (SADD). SADD is affiliated with LYPS. SADD sponsors the Courage to Live program, developed by the National Judicial College in conjunction with the National Highway Traffic Safety Administration (NHTSA). The program was piloted in seven states including Louisiana and is currently offered in 60 middle schools in Louisiana. Courage to Live is intended to bring the courtroom to the middle school and is designed to allow students to better understand the judicial process and provide the judges involved with the opportunity to help prevent underage drinking and other destructive decisions before these problems lead to court appearances, injury or death. Unfortunately, judges are not involved in all programs and at least one judge has changed the program content from its original design.

SADD chapters also participate in Orange Ribbon Week in April to bring attention to underage drinking. SADD alumni who go on to college are offered support in working on impaired driving and substance abuse prevention on campus.

The Medical Center of Louisiana, New Orleans Emergency Department offers an alcohol abuse and impaired driving prevention program for high school sophomores. The program includes presentations on alcohol and injuries, talks by victims of impaired drivers and a tour of the emergency room.

Mother Against Drunk Driving (MADD) provides Protecting You Protecting Me, an alcohol use prevention curriculum for children in grades 1-5. It is designated as a Model Program by the Substance Abuse Mental Health Services Administration (SAMHSA). The program is currently in 14 schools.

There is a statewide coalition of higher education institutions that provides professional development and technical assistance about alcohol, tobacco, and other drug issues.

MADD Louisiana sponsors the UMADD project on college campuses. The goals of MADD's college initiatives are to:

- Prevent alcohol use for those under the legal drinking age of 21.
- Reduce and eliminate illegal and high-risk drinking behaviors for those of legal drinking age.
- Activate students to engage in effective strategies by partnering them with campus and community leaders.
- Provide resources and assistance to campus and community law enforcement, community members, faculty and staff, and parents.

MADD supports the 21 drinking age law but does not participate in activities such as safe rides programs or harm reduction projects that can send a mixed message to underage students implying it is acceptable for them to consume alcohol as long as they are not

driving. MADD engages in proven strategies that address the student body as a whole, including those that address:

- Widespread availability of alcoholic beverages to underage and intoxicated students.
- Aggressive social and commercial promotion of alcohol.
- Inconsistent publicity and enforcement of laws and campus policies.
- Student perceptions of heavy alcohol use as the norm.

Project FOCUS (Fighting Off-Campus Underage Sales), developed by Alcohol, Tobacco Control (ATC) and funded by Office of Juvenile Justice and Delinquency Prevention (OJJDP), targets 10 university-centered areas around the state and uses a triangulated strategy of enforcement, education, and public awareness to reduce underage drinking. Begun in 2001, the program focuses on ten parishes where large universities are located. The goal is to reduce underage drinking among the university student population in those areas. Elements of the program include expanded compliance checks of licensed alcohol retailers in sites surrounding the state's major campuses and targeting public events, such as university fairs, festivals, and sports events, to disseminate literature promoting awareness of the risks associated with underage drinking. Press releases detailing these risks and efforts to reduce underage drinking, especially around campuses, are brought to the attention of the public through media channels.

All four of the institutions of higher education in Baton Rouge have policies that prohibit the sale or service of alcohol at student programs. One institution, Louisiana State University, (LSU) hosts a late-night, alcohol-free, carnival-style event, monthly. All four colleges in East Baton Rouge have peer educator student groups.

Most colleges and university campuses in Louisiana participate in the CORE Survey that measures college students' alcohol and drug use.

Recommendations

- Provide impaired driving information to schools and colleges for use in substance abuse and underage drinking prevention and in health curriculum.

2-C-2: Employers

Advisory

States should provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by their employees and their families. These programs should include:

- *Model policies to address underage drinking, impaired driving and other traffic safety issues, including safety belt use and speeding,*
- *Employee awareness and education programs,*
- *Management training to recognize alcohol and drug use and abuse, and appropriate response,*
- *Screening and brief intervention, assessment and treatment programs for employees, as appropriate, such as through an employee assistance program,*
- *Underage drinking and impaired driving prevention programs for youthful employees and programs that address use of prescription or over-the-counter drugs that causes impairment.*

Status

There is no coordinated statewide impaired driving or traffic safety specific employer program.

The Office of Workers' Compensation Speaker's Bureau in the Louisiana Department of Labor (DOL) provides free, on-site, confidential safety and health consultations to employers on such issues as workplace safety, developing and implementing a safety plan, and general safety and health issues.

There are numerous public and private sector employee assistance programs (EAP) providing screening and referral services for employees with alcohol or substance abuse problems.

Recommendation

- Provide impaired driving and other traffic safety information to Office of Workers' Compensation Speaker's Bureau in the Louisiana Department of Labor and other organizations that offer employee safety services.

2-C-3: Community Coalitions and Traffic Safety Programs

Advisory

Community coalitions and traffic safety programs provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level and provide communications toolkits for local media relations, advertising and public affairs activities, and may include representatives of government - highway safety, enforcement, criminal justice, liquor law enforcement, public health, driver licensing and education; business – employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups; and as appropriate neighboring countries. States should:

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders.*
- *Provide information and technical information to these groups, including data concerning the problem in the community and information identifying science-based underage drinking and impaired driving programs.*
- *Encourage these groups to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving, including designated driver and alternative transportation programs for persons 21 or older.*
- *Encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving.*

Status

Louisiana was awarded \$11.75 million to implement the Strategic Prevention Framework State Incentive Grant (SPF-SIG) known as "The Governor's Initiative to Build a Healthy Louisiana". Funding was awarded from the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP).

The goals of the Strategic Prevention Framework State Incentive Grant are to:

- Prevent the onset and reduce the progression of substance abuse, including childhood and underage drinking,
- Reduce substance abuse-related problems in communities, and;
- Build prevention capacity and infrastructure at the State/Tribal and community levels.

The Governor's Initiative to Build a Healthy Louisiana" is supported by the State Epidemiological Workgroup (SEW) and an advisory board, the Prevention Systems Committee (PSC). The SEW's mission is: 1) to collect and analyze data into one accessible data system that is available to facilitate communication and decision making; 2) to use data proactively to educate communities, policy makers, legislators, and private industry and; 3) to change perceptions about the substance abuse prevention system and its effectiveness. The PSC supports a standardized substance abuse prevention process that connects planning, funding, and evaluation of substance abuse prevention among state, regional, parish, and local efforts

The Baton Rouge Safe Schools/Healthy Students (SS/HS) comprehensive plan was developed by the I- CARE Advisory Council. The Advisory council has been working together for over 25 years and includes parents/community members, I-CARE staff, media organizations, mental health service agencies, medical agencies, community & faith-based organizations, criminal justice partners, school system representatives and alcohol/drug prevention providers. The SS/HS initiative leverages and enhances existing resources to implement a comprehensive plan to promote healthy childhood development and prevent violence, as well as the abuse of alcohol and other drugs.

The largest Mardi Gras parade in East Baton Rouge hosts an alcohol free family zone every year.

Parental Guidance Adult Awareness Program educates adults on the legal consequences of providing alcohol to anyone less than 21 years of age.

Drug Free Communities is a collaborative initiative sponsored by the Office of National Drug Control Policy in partnership with SAMHSA in order to achieve two major goals:

1. Establish and strengthen collaboration among communities, private nonprofit agencies, and Federal, State, local, and tribal governments to support the efforts of community coalitions to prevent and reduce substance abuse among youth.
2. Reduce substance abuse among youth and, over time, among adults by addressing the factors in a community that increase the risk of substance abuse and promoting the factors that minimize the risk of substance abuse.

There are four Drug Free Community coalitions in Louisiana.

Recommendations

- Provide impaired driving information to community coalitions and other groups providing substance abuse and underage drinking prevention.

III. CRIMINAL JUSTICE SYSTEM

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal and administrative sanctions and communications, to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted and subject to swift, sure and appropriate sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the perception that impaired drivers will face severe consequences, discouraging individuals from driving impaired.

A multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies, on the State, parish, municipal and tribal levels to create and sustain both specific and general deterrence.

3-A: Laws

Advisory

Each State should enact impaired driving laws that are sound, rigorous and easy to enforce and administer. The laws should clearly: define the offenses; contain provisions that facilitate effective enforcement; and establish effective consequences. The offenses should include:

- *Driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treating both offenses with similar consequences.*
- *A Blood Alcohol Concentration (BAC) limit of 0.08, making it illegal “per se” to operate a vehicle at or above this level without having to prove impairment.*
- *Zero Tolerance for underage drivers, making it illegal “per se” for persons under age 21 to drive with any measurable amount of alcohol (e.g., 0.02 or greater).*
- *High BAC (e.g., 0.15 or greater), with enhanced sanctions above the standard impaired driving offense.*
- *Repeat offender, with increasing sanctions for each subsequent offense.*
- *BAC Test refusal, with sanctions at least as strict as the State’s highest BAC offense.*
- *Driving with a license suspended or revoked for impaired driving (DWS), vehicular homicide or causing personal injury while driving impaired as separate offenses, with additional sanctions.*
- *Open container, which prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public*

highway or right-of-way.¹

- *Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a safety belt violation.*

Laws should include provisions to facilitate effective enforcement that:

- *Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs.*
- *Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers.*
- *Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidential breath tests and screening and confirmatory tests for alcohol or other impairing drugs.*
- *Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.*

Effective penalties should include:

- *Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test.*
- *Prompt and certain administrative license suspension of at least 90 days for first offenders determined by chemical test(s) to have a BAC at or above the State's "per se" level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock.*
- *Enhanced penalties for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide or causing personal injury while driving impaired, including: Longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment; immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment.*
- *Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring.*

¹ Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

- *Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.*

Status

Louisiana has a complex statutory scheme to deal with impaired driving and related issues. The Louisiana statutes on open containers and repeat intoxicated drivers do NOT comply with the requirements of SAFETEA-LU Technical Corrections Act of 2008, Sections 154 and 164. While the statutes contain some fundamentally sound provisions, they tend to be verbose and contradictory. Other provisions are inimical to any improvement of the enforcement and adjudication of impaired driving offenses. One such statute is the expungement of record of conviction. It should not apply to impaired driving offenses. A second statute that encourages over service and illegal service of alcohol is the dram shop immunity statute. It appears that interpretation of some of the statutes has varied widely among the justice system professionals. The confusion that has resulted, whether intentional or not intentional, complicates and deters the effective prevention, enforcement, prosecution and adjudication of impaired driving offenses. A multidisciplinary approach and close coordination among all components of the criminal justice system are goals within reach of the highway safety commission. Law enforcement agencies, on the state, parish, and municipal levels are increasing their cooperation to create and sustain both specific and general deterrence. However, little mention was made of work with the tribal governments or the military installations. Louisiana has begun the work of enacting an effective statutory scheme to prevent and adjudicate impaired driving offenses. The statutory provisions include:

- Both driving while intoxicated by alcohol or while impaired by other drugs (whether illegal, prescription, or over-the-counter), are treated with similar consequences.
- The Blood Alcohol Concentration (BAC) limit of 0.08, makes it illegal “per se” to operate a vehicle at or above this level and impairment does not have to be proven.
- Zero Tolerance for underage drivers, making it illegal “per se” for persons under age 21 to drive with any measurable amount of alcohol (e.g., 0.02 or greater).
- High BAC (e.g., 0.15 or greater), with enhanced sanctions above the standard impaired driving offense.

The current legislative proposals provide a good start with the inclusion of provisions that:

- Increase the penalty for driving with a suspended license from a fine to a criminal offense;
- Increase the penalty for refusing to submit to a breath test to check for blood alcohol content in a suspected Louisiana DWI; and

- Limit information covered in pre-trial hearings.

But much more legislative work can be done. At the very minimum, pretrial diversion should be subject to strict legislative scrutiny and regular public audit of the use of the fees collected by the prosecutors. There was not one straight faced assertion that diversion was simply the use of prosecutorial discretion to dismiss poorly prepared cases. Not a single presenter disputed that “good” cases were dismissed right along with the “bad” cases. There appears to be little accountability or quality control in the use of costs and fees that are paid to prosecutors. There is a question of whether the current diversion programs with the prosecutor accepting fees in lieu of prosecution are in conflict with the duty of the office to prosecute cases fairly and justly when adequate evidence is provided.

Additional legislative improvements that were suggested include the following:

- Requiring judges and prosecutors to be trained in DWI litigation;
- Requiring all fees and cost collected by prosecutors to be paid into the State;
- Establish a commission to supervise and regulate (including the reporting of results) of the Interlock Program;
- Increase the penalty for refusal of breath test.

Recommendations

- **Enact legislation that will increase the penalty for driving with a suspended license from a fine to a criminal offense; Increase the penalty for refusing to submit to a breath test to check for blood alcohol content in a suspected Louisiana DWI; and prohibit depositions in administrative license hearings unless a trial de novo is sought.**
- Repeal the dram shop immunity act.
- Enact legislation that precludes record of conviction expungement for impaired driving offenses.
- Develop a strategic plan for a multidisciplinary review of all statutes that are relevant to impaired driving offenses and propose improvements when needed.
- **Enact an open container law that conforms to the requirements of SAFETEA-LU Technical Corrections Act of 2008, Section 154.**
- **Enact repeat intoxicated driver law that conforms to the requirements of SAFETEA-LU Technical Corrections Act of 2008, Section 164.**
- Require judges and prosecutors to be trained in DWI litigation.

3-B: Enforcement

Advisory

States should conduct frequent, highly visible, well publicized and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, especially in locations where alcohol related fatalities most often occur. To maximize visibility, the State should conduct periodic heightened efforts and also sustained efforts throughout the year. Both periodic and sustained efforts should be supported by publicity. To maximize resources, the State should coordinate efforts among State, parish, municipal and tribal law enforcement agencies. To increase the probability of detection, arrest and prosecution, participating officers should receive training in the latest law enforcement techniques. States should:

- *Ensure that executive levels of law enforcement and State and local government make impaired driving enforcement a priority and provide adequate resources;*
- *Develop and implement a year round impaired driving law enforcement plan (coordinated with a complimentary communication plan), which includes:*
 1. *periods of heightened enforcement (e.g., three consecutive weekends over a period of 16 days) and frequent (e.g., monthly), sustained coverage throughout the year*
 2. *high level of participation and coordination among State, parish, municipal and tribal law enforcement agencies, such as through law enforcement task forces*

Use law enforcement professionals to serve as law enforcement liaisons in the State and help enhance coordination and the level of participation, and improve collaboration with local chapters of police groups and associations that represent diverse groups to gain support for enforcement efforts.

- *Deploy enforcement resources based on problem identification, particularly at locations where alcohol related fatal or other serious crashes most often occur.*
- *Conduct highly visible enforcement that maximizes contact between officers and drivers, including sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during and after they occur.*
- *Coordinate efforts with liquor law enforcement officials (see section II.A. Responsible Alcohol Service).*
- *Use technology (e.g., video equipment, portable evidentiary breath tests, passive alcohol sensors and mobile data terminals) to enhance law enforcement efforts.*
- *Require that law enforcement officers involved in traffic enforcement receive*

state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), emerging technologies for the detection of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC).

- *Expedite the arrest process (e.g., by reducing paperwork and processing time, from the time of arrest to booking and/or release).*
- *Measure success, emphasizing quantitative data, including the level of effort (e.g., number of participating agencies, checkpoints conducted, arrests made), public awareness (e.g., of message and actual enforcement), reported change in behavior (e.g., reported number of drinking driving trips) and outcomes (e.g., alcohol-related fatalities, injuries and crashes).*

Status

Impaired driving enforcement and reduction is one of the Governor's priorities. The Governor's Task Force on DWI-Vehicular Homicide was formed by Executive Order MJF 96-9 to address problems regarding the unusually high incidence of drunk or drugged driving, the difficulty in proving identification of multiple Driving While Intoxicated (DWI) offenders, the refusal of drivers to submit to breath and/or field sobriety tests, the obtaining of evidence from drivers who cause alcohol-involved fatal or serious injury crashes, and the arrest and prosecution of drug-impaired drivers.

According to the executive order, the task force is comprised of a maximum of nineteen gubernatorial appointments which include the following:

The Governor or the Governor's designee; The Attorney General or the Attorney General's designee; The Speaker of the Louisiana House of Representatives, or the Speaker's designee; The President of the Louisiana State Senate or the President's designee; A Member of the Louisiana House of Representatives appointed by the Speaker of the Louisiana House of Representatives; A Member of the Louisiana State Senate appointed by the President of the Louisiana State Senate; The Commissioner of the Office of Alcohol and Tobacco Control, Department of Revenue, or the Commissioner's designee; The Assistant Secretary of the Department of Public Safety, Office of Motor Vehicles, or the Assistant Secretary's designee; The Executive Director of the Louisiana Highway Safety Commission, or the Executive Director's designee; The Assistant Secretary of the Department of Health and Hospitals, Office of Addictive Disorders, or the Assistant Secretary's designee; A representative of the Louisiana State Police; A representative of the Louisiana State Police Crime Lab; A representative of the Louisiana District Attorneys Association; A representative of the Louisiana Sheriff's Association; A representative of the Municipal Police Officers Association of Louisiana; A representative of Mothers Against Drunk Driving; A representative of the Louisiana Restaurant Association; and two members will serve as at-large members.

According to the *2007 Louisiana Highway Safety Performance Plan*, there were 10,496 alcohol or drug related crashes. Of these, there were 454 alcohol or drug related fatal crashes resulting in 507 fatalities. This number represents 51 percent of all crash fatalities in Louisiana for 2007. There were 437 alcohol-related crashes resulting in 485 fatalities. This calculates into a 49 percent alcohol-related fatality rate in Louisiana for 2007. The national average was 32 percent. This is the highest total and percent of alcohol-related fatal crashes over the last five year period. Of the 437 alcohol-related

crashes, 67 of these involved drivers 18 – 20, which was also the highest number in the last five year period.

In 2007, there were 25,477 reported DWI arrests however the actual number of arrests and/or citations is unknown. There is no reliable data available for the number of convictions but the proportion of reported arrests that resulted in convictions was guessed to be approximately 38 percent. There were no reliable estimates available on proportion of arrests that resulted in license suspension.

Sobriety checkpoints are not popular in some jurisdictions because of the amount of personnel required. The agencies felt sobriety checkpoints are a deterrent but felt roving patrols are more effective. Others preferred the sobriety checkpoints because of the perception of the probability of an impaired driving arrest to the general public. Some said sobriety checkpoints depend on where you were in the State. In their jurisdiction, impaired driving enforcement was put on the “back-burner” because of the amount of crime and limited personnel. Law enforcement personnel think more should be accomplished with impaired driving enforcement, but personnel shortages and overtime limitations are affecting their enforcement options. Enforcement does not have personnel to run year round impaired driving enforcement and some had to delete alcohol units to place more personnel in the patrol division.

Multi-agency checkpoints are common as well as single agency efforts. More agencies participate in DWI Enforcement regularly through grant efforts. Many agencies have DWI Enforcement units and are requesting drug impairment training more and more every year. The alcohol impairment problem is becoming more known. Law enforcement is becoming more progressive in their approach to combating the problem by doing more impairment checkpoints and saturation patrols.

Agency personnel felt out-of-date equipment should be replaced and dash cameras would help in the prosecution of DWI arrests. Budget restraints prevent equipment purchases. Jail space is a concern of law enforcement officers in their efforts to reduce impaired driving. Budget cuts in law enforcement agencies have reduced the number of jail spaces available. Serious offenders will take up the jail space while offenders charged with lesser offenses will be released. One enforcement officer stated his agency had to call the jail at time of arrest to see if there was space for the suspect.

Enforcement officials interviewed commented that the Administrative License Hearings (ALH) have become a second trial in the impaired driving prosecution. Defense attorneys seem to use the administrative hearings as a method of discovery. The law enforcement officer does not have an attorney for assistance during these proceedings. Two presenters did not think the ALH was a problem because the judge follows the rule of the law. Other presenters did not concur.

Extended time between arrests and hearing allows lengthy time to drive on temporary driver's license. The hearing must be held within 30 days, but continuances are easily and frequently obtained. Usually the criminal hearing is already over before the ALH. If a DWI was reduced or dismissed, the license is not suspended.

One presenter said a problem with ALH is the frequent failure of law enforcement to appear. Reasons for law enforcement not appearing at the ALH ranged from not enough money for appearance, interferes with extra job, no penalty if officer does not show, legitimate reasons (crash investigation, etc.) and continuances, or too wide of range of discovery (no restrictions). Because of the proceedings under the Administrative Procedure Act, it is not unusual for criminal case to be dropped. It was further stated the ALH only lasted about 25 minutes.

Law enforcement officials cited the hearings are wide-open discovery opportunities for defense attorneys while offering no protection for the officer. The defense attorney can ask anything and the officers must answer regardless of whether they should. Officers are advised by District Attorney's not to attend. The officers think there are too many come-back subpoenas which waste their time and they report the feeling that the entire system is exploited.

Officers felt the driver's license hearings have turned into expanded discovery hearings for the defense. The scope has expanded beyond the original intent, and this has given the defense an unfair advantage. This expanded scope has caused numerous problems for officers and the prosecution of violators. Legislation has been introduced this year to correct this problem, which will limit the scope of the hearings to the hearing, itself.

One law enforcement official said there were many problems within the judicial system. In one jurisdiction, prosecutors will dismiss or reduce DWI charges, especially from sobriety checkpoints because of minor things. An example was given in reference to a DWI dismissed because an officer could not testify he saw an announcement of the sobriety checkpoint in the local paper. Some prosecutors and judges have said that law enforcement testimony carries no more weight than a citizen's in court.

Information from presenters indicates court system leniency for the accused. Leniency for college students was stated for reasons such as good grades, volunteer efforts, student leadership roles, parental connections, and/or a desire not to ruin the student's academic career for a "stupid mistake." It is reported that attorneys and judges may invoke their own college experiences to gain sympathy or provide rationale for reduced penalties.

The time of arrest to booking, not counting officer narrative, can last up to three hours. If officers arrest two DWI offenders in one night, they would not have time for additional patrol. Enforcement officers feel there is a need for a standardized DWI arrest packet that would satisfy prosecution and the court.

One law enforcement officer stated their agency does regular liquor establishment compliance checks and makes numerous arrests, but stated there is no penalty for the establishment at the local level. Local law enforcement coordinates with the State Alcohol and Tobacco Control (ATC). ATC will send in undercover officers to witness the purchase of alcohol between establishment and underage offenders, and then make arrests. They can close the establishment down.

Another local law enforcement officer stated local enforcement is not usually notified when ATC conducts enforcement operations in their jurisdiction. ATC is afraid someone

might “tip off” the businesses. If agents see transactions, they can close the business down. The establishment is closed until a hearing is held by the commissioner to determine whether the license is to be revoked.

The quality of Standardized Field Sobriety Testing (SFST) trained officers is directly related to how well the officers were trained initially and refreshed over their career. There are various levels of competency around the State as it relates to training. Two major issues could correct some quality issues. First, make SFST a Peace Officers Standards and Training Council (POST) requirement, and second, to use live subject drinking sessions with all training. Prosecutors and judges are invited to attend the training and many take advantage of this. Some prosecutors and judges observe while others participate as drinkers in order to feel the effects of the alcohol and experience the testing process. The videos for SFST training are out of date, poor quality and are not the best option for training of officers.

There are currently 31 Drug Recognition Experts (DRE) and seven more in training, with another class planned. More importantly, new instructors have been trained, which is a major step toward gaining more DREs.

There is not a central repository to keep track of all SFST officers and instructors in the State. If SFST were to be required as part of the basic POST certification, then proper records would be available. Currently, records are kept at 25-26 different law enforcement agencies instructing SFST, SFST instructors, and DREs. POST should be responsible for maintaining all SFST and DRE records at one location.

Recommendations

- **Enact legislation to make the scope of the Administrative License Hearings (ALH) limited to the hearing itself.**
- **Establish an Enforcement of Underage Drinking Law (EUDL) coordinator position to facilitate working with Alcohol and Tobacco Control (ATC) and local law enforcement. This position should be paid for by EUDL funds.**
- Establish a collaborative working relationship between ATC and local law enforcement.
- Develop a standardized driving while intoxicated arrest packet to be utilized Statewide.
- Mandate Standardized Field Sobriety Test (SFST) training during basic Peace Officer Standard Training (POST).
- **Require the Peace Officer Standardized Training Council be responsible repository and record keeping for all SFST officers, SFST instructors, Drug Recognition officers and Drug Recognition instructors.**

- Provide legal assistance to law enforcement officers during ALH hearings and depositions.
- Train law enforcement officers and hearing officers on the procedures and requirements of an ALH.

3-C: Publicizing High Visibility Enforcement

Advisory

States should communicate their impaired driving law enforcement efforts and other elements of the criminal justice system to increase the public perception of the risks of detection, arrest, prosecution and sentencing for impaired driving. Publicity should be culturally relevant, appropriate to the audience, and based on market research. States should:

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution and punishment for impaired driving.*
- *Develop and implement a year round communication plan that includes:*
 1. *messages that are coordinated with National campaigns*
 2. *special emphasis during periods of heightened enforcement and high risk holiday periods (including coverage before and reports of results after)*
 3. *regular (e.g., monthly), sustained coverage throughout the year, using messages (or “media hooks”) that are law enforcement related*
 4. *paid, earned and donated advertising*
- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages (e.g., that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, insurance, etc.).*
- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior.*

Status

Law enforcement officials conduct regular checkpoints that are covered by the local media. Louisiana law requires the location of the checkpoints be announced to the public.

Letter writing campaigns to local newspaper and other media outlets occur during “peak” seasons and holiday enforcement periods for increased Driving While Intoxicated (DWI) arrests. Radio and television spots highlight the enforcement efforts.

Billboards and public information resources are also used throughout the year.

Paid media works under a Request for Proposal contract. This allows one contract to be used for all paid media. It helps buy larger media sources to reach a larger audience.

Paid media usually reaches 4.3 million viewers.

Recommendation

- Require additional public education and outreach for certain sub-populations such as specifically to college students, young professionals in high-profile career paths, and teenagers.

3-D: Prosecution

Advisory

States should implement a comprehensive program to visibly, aggressively and effectively prosecute and publicize impaired driving-related efforts, including use of experienced prosecutors, to help coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State.

Prosecutors who handle impaired driving cases often have little experience, handle hundreds of cases at a time, and receive insufficient training.² States should:

- *Make impaired driving cases a high priority for prosecution and assign these cases to knowledgeable and experienced prosecutors.*
- *Encourage vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes.*
- *Provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors.*
- *Employ experienced prosecutors, such as State Traffic Safety Resource Prosecutors, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State.*
- *Ensure that prosecutors who handle impaired driving cases receive state-of-the-art training, such as in SFST, DEC, emerging technologies for the detection of alcohol and other drugs; prosecutors should learn about sentencing strategies for offenders who abuse these substances and participate in multi-disciplinary training with law enforcement personnel.*
- *In Driving While Impaired by Drugs (DWID) cases, encourage close cooperation between prosecutors, state toxicologists and arresting law enforcement officers (including Drug Recognition Experts). Their combined expertise is needed to successfully prosecute these cases.*
- *Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense.*

Status

In Louisiana, impaired driving cases are prosecuted in district courts and some city courts by the district attorneys. When there is no contract with the district attorney to prosecute

² Robertson, Robyn D. and Herb M. Simpson “DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Foundation 2002.

in the city court, the city attorney prosecutes the DWI cases. The caseload is such that most first and second DWI cases are filed in the city courts if the arrest happened in the city. When and if the offender has a third or fourth or subsequent DWI, the case is filed in district court.

The city attorneys who prosecute DWI cases would like more educational opportunities to improve their management of the cases.

From the select testimony provided, it appears that the level of interest evidenced by the prosecutors in improving the effectiveness of their management of impaired driving cases varies greatly. Some of the prosecutors assert that their work reflects what their community wants in the level of prosecution. The reported information on impaired driving cases from arrest through conviction is insufficient to identify the cause of the disappointing low statewide rates of filing and conviction of the DWI cases. What is clear is that, in some of the parishes and municipal jurisdictions, the prosecution of impaired driving cases could be improved. Some of the Louisiana prosecutors have not moved to implement many of the advisory recommendations listed in this report.

One opinion was expressed that the prosecutors believe their pre-trial intervention programs are necessary because the courts do not have time to try impaired driving cases. The existing prosecutor managed pre-trial services and programs cause questions and concern. There is a lack of clarity about what the prosecutors are doing because there is not a “from traffic stop to appeal” tracking system. The practices which need more transparency include prosecutors’ fee collections for programs. The content and management of the programs should meet statutory requirements that incorporate uniform quality standards. The expenditure of the fees collected from defendants should be clearly regulated and accountability should meet the standards of other state agencies. No one has provided any indication of Constitutional or statutory authority to run programs that are akin to pretrial services or probation programs. While prosecutors in Louisiana, like most states, maintain full prosecutorial discretion to determine which cases should be prosecuted, regulating, monitoring, or even abolishing the deferred prosecution programs will not interfere with the “go, no go” decision of prosecuting a case. The decision to proceed with the prosecution of a case should be based on the merits of the case, not whether the defendant pays to be in the prosecutor’s program. An independent evaluation should determine how much the pre-trial intervention programs cost the State, the parishes, and cities in lost court fees and fines. An outside evaluation of the pre-trial intervention program in Louisiana is imperative.

The Louisiana District Attorneys Association Traffic Safety Resource Prosecutor provided ten trainings. The attendance at the trainings includes some of the prosecutors and some judges for a variety of subject matter content.

Some of the prosecutors attend continuing legal education that could lead to the improvement of prosecution of DWI cases; others do not.

The level of communication and cooperation between prosecutors, state toxicologists and arresting law enforcement officers (including Drug Recognition Experts) in Driving

While Impaired by Drugs (DWID) cases is unclear. Confusion about the blood testing and the impact on the labs is one example.

Recommendations

- **Enact legislation to effectively monitor and regulate deferred prosecution programs.**
- Enact legislation requiring DWI prosecutors to obtain at least 6 hours continuing legal education on DWI per year or suffer a pay reduction of 15 percent for each year that the hours are not obtained.
- Form an advisory committee to the Highway Safety Commission of interested city prosecutors and district attorneys to develop a strategic plan to increase the filing of cases and improve prosecution of impaired driving in Louisiana. Support their work with financial commitments.
- Retain an outside evaluator to evaluate the effectiveness and cost of the deferred prosecution programs.

3-E: Adjudication

Advisory

States should impose effective, appropriate and research-based sanctions, followed by close supervision, and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI Courts should be used to reduce recidivism among repeat and high BAC offenders. DWI Courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. The effectiveness of enforcement and prosecution efforts is strengthened by knowledgeable, impartial and effective adjudication. Each State should provide the latest state-of-the-art education to judges, covering SFST, DEC, alternative sanctions and emerging technologies.

Each State should utilize DWI courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI courts also increase access to testing and assessment to help identify DWI offenders and addiction problems and to help prevent them from re-offending, DWI courts additionally help with sentence monitoring and enforcement. Each State should provide adequate staffing and training for probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.

States should:

- *Involve the State's highest court in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges.*
- *Encourage consistency in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury.*
- *Provide sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges.*
- *Ensure that judges who handle criminal or administrative impaired driving cases receive state-of-the-art education, such as in technical evidence presented in impaired driving cases, including SFST and DEC testimony, emerging technologies for the detection of alcohol and other drugs, and sentencing strategies for offenders who abuse these substances.*
- *Use court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug court practices; these courts increase the use of drug or alcohol assessments, identify offenders with alcohol or drug use problems, apply effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs*

*and closely monitor compliance, leading to a reduction in recidivism.*³

- *Provide adequate staffing and training for probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.*

Status

The Louisiana courts are attempting to address concerns about the impaired driving issues in the justice system. There are efforts underway that can build and support a system that provides for the fair and prompt adjudication of impaired driving cases. Some judges are taking a leadership role seeking to improve the adjudication of impaired driving. A few judges are engaged in discussions about the judicial role in the prevention as well. Four DWI courts have been established and more are under consideration. At the same time, a number of questions are justified about how to go about creating DWI courts in the court system of Louisiana. One design for Louisiana DWI courts that might work better for Louisiana than some of the national recommendations would be to file all DWI cases in one parish court. A single filing point could offer gains in efficiency and effectiveness. A single DWI court or DWI docket for all DWI case filings would allow one judge and one staff to manage the DWI case load from filing to trial or plea to post adjudication supervision. This model allows judges to develop expertise in the technical aspects of the adjudication issues peculiar to DWI cases. Merely filing DWI cases in the drug courts as substitutes for DWI courts appears to be unacceptable for a number of reasons. The post plea drug court models are not equipped to try DWI cases. One of the concerns voiced was that there are not enough judges prepared to handle a DWI trial. It was also stated that the DWI cases are only tried on one day each week because of the lack of court time. The judicial and court availability needs more examination by Louisiana to determine the exact needs.

The Louisiana Supreme Court has garnered grants to begin the process of collecting the court data electronically. The Supreme Court has also undertaken a training effort to get the courts and their clerks to participate in the electronic data reporting systems. The money for training comes from the 408 traffic money. For more detail and discussion about the strengths and weaknesses of this effort, see the section 6-B. A second record keeping issue of importance is the making of adequate record on guilty pleas to comply with Boykin requirements of advisement of rights.

The judges are required to obtain 12 hours continuing legal education each year. It is unclear whether any of the judges receive education hours that are relevant to the improvement of impaired driving cases. One presenter commented that education sessions on conducting Daubert hearings and on questions relating to the admission of science testimony regarding alcohol and drug impaired technology would be of value to the judges.

³ Freeman-Wilson, Karen and Michael P. Wikosz, "Drug Court Publications Resource Guide, Fourth Edition." Alexandria, VA: National Drug Court Institute, 2002.

Before Louisiana courts will be prepared to completely implement the Impaired Driving Assessment Advisories contained in this document, some foundational work must be accomplished. The essential elements for the establishment of a programmatic foundation for the improvement of the adjudication of impaired driving include:

1. The Louisiana specific requirements for the parishes to establish DWI trial courts as needed.(LA Supreme Court).
2. A comprehensive court data collection system. (LA Supreme Court).
3. A science based judicial education program on the Adjudication of DWI (LA Supreme Court).

Recommendations

- **Develop the Louisiana specific requirements for the parishes to establish DWI trial courts that will work within their system and as needed.**
- **Install a comprehensive court data collection system.**
- **Implement science based judicial education.**

3-F: Administrative Sanctions and Driver Licensing Programs (V-1)

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization or forfeiture of a vehicle; the impoundment of a license plate; or the use of ignition interlock devices. These measures are among the most effective actions that can be taken to prevent repeat impaired driving offenses.⁴ In addition, other driver licensing activities can prove effective in preventing, deterring and monitoring impaired driving, particularly among novice drivers. Publicizing related efforts is a part of a comprehensive communications program.

3-F-1: Administrative License Revocation and Vehicle Sanctions:

Advisory

Each State's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the State's impaired driving laws.

The code should provide for:

- *Administrative suspension of the driver's license for alcohol and/or drug test failure or refusal.*
- *The period of suspension for a test refusal should be longer than for a test failure.*
- *Prompt suspension of the driver's license (within 30 days of arrest), which should not be delayed, except when necessary, upon request of the State.*
- *Vehicle sanctions, including impoundment of or markings on the license plate, or impoundment, immobilization or forfeiture of the vehicle(s), of repeat offenders and individuals who have driven with a license suspended or revoked for impaired driving.*
- *Installation of ignition interlocks on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use problem will not interfere with their safe operation of a motor vehicle.*

Status

Administrative Suspension

Any person who refuses to submit to a chemical test as required shall be fined not less than three hundred dollars or more than one thousand dollars and imprisoned for not less than ten days or more than six months. Imposition or execution of sentence can only be

⁴ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Foundation 2002.

suspended if replaced by treatment and community service programs. Their driver's license shall be seized and suspended under the circumstances provided in specific Louisiana Revised Statute. Suspension periods for specific refusals and submissions are listed below by Louisiana Revised Statute number. If the driver/refuser is a resident without a license or permit to operate a motor vehicle in Louisiana, the State shall deny the issuance of a license or permit to such person for a period of six months after the date of the alleged violation.

Suspension Periods

Law	Violation Description	BAC	Suspension Period
R.S. 32:667B(2)	1st Refusal (any age) / 1st Refusal/Out of State Driver License	n/a	180 days (6 months)
R.S. 32:667B(2)	2nd Refusal (any age) / 2nd Refusal/Out of State Driver License	n/a	1 1/2 year (545 days)
R.S. 32:667B(2)	3rd Refusal (any age) / 3rd Refusal/Out of State Driver License	n/a	1 1/2 year (545 days)
R.S. 32:667B(4)	Refusal Fatality/Serious Injury (any age)	n/a	1 1/2 year (545 days)
R.S. 32:414.2(A)(1)(b)(i)	Disq Refusal 894	n/a	n/a
R.S. 32:667B(1)(a)(b)	1st Submit (21 & over) / 1st Submit/Out of State Driver License	.08 -.19	90 days (3 months)
R.S. 32:667B(1)(c)	1st Submit (any age) / 1st Submit/Out of State Driver License	.20 or above	2 years (730 days)
R.S. 32:667B(1)(a)(b)	Submit Underage (under 21)	.02 -.19	180 days (6 months)
R.S. 32:667B(1)(a)(b)	2nd Submit (21 & over) / 2nd Submit/Out of State Driver License	.08 -.19	1 year (365 days)
R.S. 32:667B(1)(c)	2nd Submit (any age) / 2nd Submit/Out of State Driver License	.20 or above	4 years (1460 days)
R.S. 32:667B(1)(a)(b)	3rd Submit (21 and over) / 3rd Submit/Out of State Driver License	.08 and above	1 year (365 days)
R.S. 32:414.2	CMV Submit	.04 -.079	n/a
R.S.	Disq Submit 894		n/a

When a law enforcement officer places a person under arrest for a violation of R.S. 14:98, R.S. 14:98.1, or a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, and the person either refuses to submit to an approved chemical test for intoxication, or submits to such test and such test results show a blood alcohol level of 0.08 percent or above by weight or, if the person is under the age of twenty-one years, a blood alcohol level of 0.02 percent or above by weight, the following procedures shall apply:

- (1) The officer shall seize the driver's license of the person under arrest and shall issue in its place a temporary receipt of license on a form approved by the Department of Public Safety and Corrections. Such temporary receipt shall authorize the person to whom it has been issued to operate a motor vehicle upon the public highways of this state for a period not to exceed thirty days from the date of arrest or as otherwise provided herein.
- (2) The temporary receipt shall also provide and serve as notice to the person that he has not more than fifteen days from the date of arrest to make written request to the Department of Public Safety and Corrections for an administrative hearing in accordance with the provisions of R.S. 32:668.

After a person has exhausted their appeal remedies with the department, they shall have the right to file a petition in the appropriate court for a review of the final order of suspension or denial by the Department of Public Safety and Corrections in the same manner and under the same conditions as is provided in R.S. 32:414 in the cases of suspension, revocation, and cancellation of licenses. The court in its review of the final order of suspension or denial by the Department of Public Safety and Corrections may exercise any action it deems necessary under the law including ordering the department to grant the person restricted driving privileges where appropriate as provided in Revised Statute.

Most Louisiana administrative suspension provisions comply with the advisory. However, since the addition of R.S. 32:667B(1)(c) the period of suspension for a test refusal is no longer greater than for a test failure. This statute concerns the penalty for .20 BAC and greater. Another problem concerns prompt suspension of the driver's license (within 30 days of arrest), which should not be delayed, except when necessary, upon request of the State. Currently, the average length of time to suspension from the day of arrest is seventy seven days. The delays are created from defense requests for case continuation and up to four requests for discovery.

Vehicle Sanctions

Louisiana has a vehicle seizure and sale law. In Louisiana vehicles can be seized and forfeited by court action after conviction of DUI 3rd and 4th offense. Legislation allows seizure at the discretion of the court. There is a dedicated fund from the sale of forfeited vehicles for the purpose of creating new DWI programs administered by the Dept. of Insurance.

There are no other vehicle actions in the State.

Ignition Interlock

As an additional condition of probation, the court shall require that any person convicted of a second or subsequent violation of R.S. 14:98 and placed on probation in accordance with that Section shall not operate a motor vehicle during the period of probation unless any vehicle, while being operated by that person, is equipped with a functioning ignition interlock device as provided in R.S. 15:307.

When the court imposes the use of an ignition interlock device as a condition of probation upon a person, the court shall require the person to provide proof of installation (certificate of installation or a copy of the lease agreement) of such a device to the court or a probation officer within thirty days. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered into the court record, the court shall revoke the person's probation.

The person whose driving privileges are restricted pursuant to this Section shall have the system on his vehicle monitored by the manufacturer for proper use at least semiannually or more frequently as the court may order. A report of any monitoring shall be issued by the manufacturer to the court within fourteen days after the monitoring.

If a person is required in the course and scope of his employment to operate a motor vehicle which does not have an approved ignition interlock device, and if the vehicle is owned by the employer, the court may allow the person to operate the employer's vehicle. Any person authorized to operate an employer's vehicle without an ignition interlock device shall be required to obtain and present to the court written permission from the employer for the employee to operate a specific vehicle or vehicles. Such permission shall be in the possession of such person when he operates the employer's vehicle. A motor vehicle owned by a business entity which is in whole or in part owned or controlled by a person otherwise subject to this Section is not a motor vehicle owned by the employer.

When Interlock was first legislated there were no procedures for the program. One problem was that there was no notice to the defendant to install the interlock. Currently, new legislation requires that the defendant receive a warning when they leave jail that the interlock device must be installed within fifteen days. Compliance with this warning requirement is still not always happening.

Proposed Legislation

On March 2, 2009, Governor Bobby Jindal announced his legislative priorities for cracking down on drunk drivers in the upcoming legislative session. The governor was joined by members of the DWI-Vehicular Homicide Task Force to outline three legislative initiatives that will strengthen drunken driving laws and make roads safer in Louisiana.

An outline of the Governors legislative priorities is included below:

1. Strengthen Penalties When Driving On A Suspended License If The Suspension Stems From A DWI Arrest

Currently, state law says that driving with a suspended license will result in a fine, but there is no specific category to punish the offense of “driving with a suspended license after a DWI.” The law does not provide for a specific penalty for this violation and therefore some drivers with repeat DWIs continue to drive, despite their license suspension or revocation, and they do not face an additional penalty.

Governor Jindal will propose a law so that driving without a license that has been suspended due to a DWI arrest or conviction, in and of itself, is a criminal offense with a six-month jail sentence.

2. Strengthen Existing Laws For Refusing To Submit To A Breathalyzer Exam

When a person is arrested under suspicion of DWI, current law provides for criminal penalties on the third refusal to submit to a chemical test within a five-year period. Upon the first refusal, the individual’s driver’s license is suspended for 180 days, a restricted license is issued, and an administrative law hearing is conducted. The second or subsequent refusal results in an 18-month driver’s license suspension.

Criminal penalties are not initiated until the third refusal at which point the driver is charged with the same penalties as a first offense DWI conviction – with a fine of not less than \$300 or more than \$1,000, and imprisonment from ten days to six months.

The Governor said that the current law is written in such a way that seems to encourage the refusal to submit to a chemical test. For example, if an offender tests positive, they would lose their license for two years - rather than the penalty of a suspended license for 180 days for the refusal to submit to a breathalyzer test. Similarly, on a second offense, the driver would lose their license for four years for failing the test - versus a license suspension for just 18 months for refusing to submit to the test.

Governor Jindal said he will act on the DWI Task Force’s recommendation to elevate the suspension penalties for refusal to submit to a chemical test to match the penalties for failure of the test, effectively removing any incentive to refuse the chemical test.

Governor Jindal said, “This is a strong statement that we are serious about our drunken driving laws in Louisiana. And, if you get behind the wheel drunk, you should expect to pay the price and be prosecuted to the fullest extent of the law.”

3. Streamline Administrative Hearings For Driver's License Suspensions For Those Arrested For Drunk Driving.

When a driver is arrested for a DWI today, there is both a criminal process handled by the district attorney and an "implied consent" hearing process on the suspension of driving privileges handled by the Department of Public Safety and Administrative Law Judges. The second process provides for open discovery, which facilitates the questioning of police officers on a host of issues beyond the purpose of the hearing. Because of the sheer number of hearings, the state and law enforcement are frequently not represented, often leading to the dismissal of the suspension.

The Governor said that current law also allows for a pre-hearing deposition that provides defense attorneys the opportunity to obtain a sworn statement from law enforcement - a statement that is not available to prosecutors. In fact, DWI is the only crime that puts the prosecutor at a disadvantage in this way.

Governor Jindal supports the DWI Task Force's recommendation to restrict pre-hearing discovery to requests for production of documents and deposition of non-law enforcement witnesses. Law enforcement would still participate at the actual administrative hearing and the appeal.

In addition to these three legislative priorities outlined by the governor, there are also important initiatives currently underway for strengthening DWI enforcement. These concern: DWI Courts, In-Person Awareness for Youth, Victim Impact Panels, and overtime hours for analysts.

A defense attorney criticized the Governor's legislative priorities saying the proposed DWI law changes;

- Fly in the face of the U. S. Constitution;
- Are from a Governor that is uninformed that the penalties are much more severe for submitting to and failing the DWI chemical test for blood alcohol than refusing said test; and
- Precluding pre-hearing depositions of law enforcement officers is an insult to law enforcement officers.

However, it appears that;

- Increasing sanctions for post-arrest refusals of chemical tests does not appear to raise any constitutional issues;
- Increasing the penalty for refusal should encourage submission to the test, which was the original purpose of the original implied consent laws; and
- Pre-trial discovery depositions are unnecessary resource intensive tactics that only aide the defense and create delays in the process.

Recommendations

- Enact legislation that allows the period of suspension for a test refusal is longer than for a test failure.
- Enact legislation that ensures prompt suspension of the driver's license (within thirty days of arrest), that will not be delayed, except when necessary, upon request of the State.
- **Support Governor Jindals legislative priorities for cracking down on drunk drivers in the upcoming legislative session.**

3-F-2. Programs

Advisory

Each state's driver licensing agency should conduct programs that reinforce and complement the state's overall program to deter and prevent impaired driving, including:

- *Graduated Driver Licensing (GDL) for novice drivers that includes three distinct licensing phases for young novice drivers (learner's permit, restricted license and unrestricted license) and provides that:*
 1. *Requires a learner's permit for a minimum of 6 months and a total combined period of one year prior to being eligible for an unrestricted license.*
 2. *Requires that drivers practice driving with parental or adult supervision for a minimum number of hours and demonstrate safe driving practices before they may drive unaccompanied by a parent or adult.*
 3. *Requires a nighttime driving restriction and limits on the number of young passengers who may be in the vehicle during phase two.*
 4. *Provides that the permit, the restricted and the unrestricted license, as well as licenses to drivers under and over the age of 21, are easily distinguishable.*
 5. *Provides for license suspension for drivers under age 21 that drive with a BAC exceeding the limit set by the State's zero tolerance law.*
 6. *Provides for primary enforcement of safety belt use laws for young novice drivers.*
- *A public information program that describes alcohol's effects on driving and the consequences of being caught driving impaired or above the State's zero tolerance limits.*
- *A program to prevent individuals from obtaining and using a fraudulently obtained or altered driver's license including:*
 1. *Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them.*
 2. *Training for license examiners to recognize fraudulent documents and individuals seeking to fraudulently apply for them.*

Status

Louisiana Revised Statute 32:407 concerning Graduated Driver Licensing contains the following;

Class E Learners Permit

Age Requirements: 15 and 16 years of age. A minor fifteen or sixteen year of age may only be issued a Class E Learner's License/Permit. This license will enable the minor to drive while being accompanied by a licensed parent, guardian or a licensed adult at least age twenty-one or older or a licensed sibling at least age eighteen or older but in no event may it be upgraded to a higher class license prior to the minor reaching sixteen years of age. In addition to the licensed parent, sibling, guardian or adult, there may be other members of the permittee's immediate family in the vehicle and when accompanied by a driver's education teacher there may be one or more fellow driver education students in the vehicle.

Once an applicant with a learner's permit reaches his 17th birth date, that applicant is eligible for full licensure provided he passes the road skills test.

The following qualifications must be met in order to obtain the learner's license:

1. Must successfully complete an approved driver education course approved by the Department of Education or the Department of Public Safety & Corrections consisting of a minimum of thirty (30) hours classroom training and eight (8) hours of on-the-road training.
2. Must pass a written examination and a vision examination at the Office of Motor Vehicles.

Note: Upon successful completion of the written and skills test or completion of the Harley Davidson Rider's Edge New Rider Course (Approved by the Department of Education; course locations are in Shreveport and Baton Rouge.) or the "Motorcycle Safety Awareness and Operators Training Program." A motorcycle endorsement may be placed on a Class "E" learner's permit; however, the person will be restricted to operating within a distance of three miles from the applicant's residence unless a parent, tutor, or other person having custody is temporarily staying or residing at another location where in the applicant would be restricted to operating within three miles of that location.

Class E Intermediate License

Age Requirement: 16 years of age. The Class E learner's license may be converted to a Class E intermediate license upon the applicant being at least sixteen years of age and passing the on-road driving test, provided that the applicant has held the license for at least one hundred eighty days if he is not yet seventeen years of age. No applicant shall be issued a Class "E" intermediate license unless a signed statement by the parent or legal guardian is provided to the department attesting that the applicant has a minimum of thirty-five hours of behind the wheel driving experience with a licensed adult driver. The

intermediate license shall restrict those under the age of seventeen from driving between 11:00 pm and 5:00 am unless otherwise accompanied by a licensed parent or guardian, by a licensed adult at least twenty-one years of age, or by a licensed sibling at least eighteen years of age. In addition to the licensed parent, sibling, guardian or adult, there may be other members of the permit holder's immediate family in the vehicle and when accompanied by a driver's education teacher there may be one or more fellow driver's education students in the vehicle.

Note: A custodial parent's signature will always be required at any time a license is upgraded to a higher class. **In the case where joint custody has been awarded, only the domiciliary parent may sign.** Exceptions to this rule are those minors who are married or who have been emancipated.

EXCEPTION TO GRADUATED LICENSING PROGRAM

Any applicant at least sixteen years of age, but less than seventeen years of age, moving to Louisiana from another state shall be eligible for the issuance of a Class E intermediate driver's license provided such applicant meets all other requirements for licensure in Louisiana if proof of issuance of a driver's license or learner's license for a minimum of one hundred eighty days from the state of previous residence is provided. The proof of driver's education will not be required as this applicant will not be considered a "first time" applicant. No first-time application for a Louisiana Class E license shall be received from any person seventeen (17) years of age or older unless there is also submitted with the application written evidence of the successful completion by the applicant of a full thirty-eight (38) hour driver's education course or of an approved six (6) hour "pre-licensing" training course which was approved by the Louisiana Department of Public Safety & Corrections.

Class E Learner's License for those 17 years of age and above

Any applicant seventeen (17) years of age or above who is applying for a learner's license will be required to provide proof that he/she has completed a full thirty-eight (38) hour driver's education course or a six (6) hour pre-licensing course. Once this proof is furnished and provided all other general requirements are met including successfully passing the vision and written examinations, the learner's license may be issued. This license authorizes the holder to drive while accompanied by a licensed driver. Upon providing this proof, the restriction may be removed immediately upon the applicant successfully passing the on-the-road driving examination.

Within the Graduated Driver License Law; nighttime driving is restricted between 11PM and 5AM, thirty (30) hours of parental or adult driving supervision is required, the State has a .02 zero tolerance limit, the State is a primary seat belt enforcement state and under 21 year old driver licenses are easily distinguished from 21 and older driver licenses. The Insurance Institute for Highway Safety rates the State of Louisiana as having a "fair" graduated drivers licensing law.

L.R.S. 14:98.1. Underage driving under the influence (Zero Tolerance)

Louisiana has zero tolerance law. The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.02 percent or more by weight if the operator is under the age of twenty-one based on grams of alcohol per one hundred cubic centimeters of blood. On a first conviction, the offender shall be fined not less than one hundred nor more than two hundred fifty dollars, and participate in a court-approved substance abuse and driver improvement program.

On a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than one hundred fifty dollars or more than five hundred dollars, and imprisoned for not less than ten days or more than three months. Imposition or execution of sentence shall not be suspended unless:

- (1) The offender is placed on probation with a minimum condition that he serve forty hours in jail and participate in a court-approved substance abuse and driver improvement program; or
- (2) The offender is placed on probation with a minimum condition that he performs ten eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program and participate in a court-approved substance and driver improvement program.

Court programs regarding substance abuse provided for in Subsections C and D shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

An offender ordered to participate in a substance abuse program shall pay the cost incurred in participating in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

Server Training

Louisiana has a responsible vendor program that requires training of alcohol vendors and their employees. The server training courses shall include but not be limited to the following subject areas:

1. Classification of alcohol as a depressant and its effect on the human body, particularly on the ability drive a motor vehicle.
2. Effects of alcohol when taken with commonly used prescription and nonprescription drugs.
3. Absorption rate, as well as the rate at which the human body can dispose of alcohol and how food affects the absorption rate.
4. Methods of identifying and dealing with underage and intoxicated persons, including strategies for delaying and denying sales and service to intoxicated and underage persons.
5. State laws and regulations regarding the sale and service of alcoholic beverages for consumption on and off premises.
6. Parish and municipal ordinances and regulations, including but not limited to the hours of operation, noise, litter, and other ordinances that affect the sale and service of alcoholic beverages for consumption on or off premises.
7. State and federal laws and regulations related to the unlawful age to purchase tobacco products and age verification requirements.

The training is provided by a private provider, is two hours long and has trained 800,000 servers since 2000. The training also includes techniques to identify fraudulent documents. It was reported that the training should be five hours long.

Alcohol Tobacco and Control Officers work with and autonomous to local law enforcement. Recently in partnership with the East Baton Rouge Parish Alcohol Beverage Control (ABC) they identified a fraudulent document resource in the Houston area and worked with Texas officials to close the operation.

Alcohol Tobacco and Control Officers do not work with the Department of Motor Vehicle to cross-train personnel in identification of fraudulent documents.

Public Information Programs

The State has a public information program within the Louisiana Highway Safety Commission (LHSC). The program describes alcohol's effects on driving and the consequences of being caught driving impaired or above the State's zero tolerance limit as well as seasonal concerns and national campaigns. Funding is solely from federal 410

funds. The office reported spending spent 1.2 million dollars last year on paid media concerning impaired driving. They also reported that they were able to get 2 for 1 earned media from the cable television channels and ½ to 1 earned media from the national television networks. The LHSC and Louisiana Department of Highways work together to develop a media plan for impaired driving.

Recommendations

- Expand server and retailer training from two to five hours increasing time spent on the current subject areas.
- Implement passenger restrictions during the intermediate and restricted license stage.

IV. COMMUNICATION PROGRAM

States should develop and implement a comprehensive communication program that supports priority policies and program efforts. Communication strategies should be directed at underage drinking, impaired driving, and reducing the risk of injury, death and the resulting medical, legal, social and other costs. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience. States should:

Advisory

- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes and influencing and sustaining appropriate behavior.*
- *Adopt a comprehensive marketing approach that coordinates elements like media relations, advertising and public affairs/advocacy.*
- *Use traffic-related data and market research to identify specific audience segments to maximize resources and effectiveness.*
- *Develop and implement a year round communication plan that includes:*
 1. *Policy and program priorities*
 2. *Messages that are coordinated with National campaigns*
 3. *Special emphasis during holiday periods and other high risk times throughout the year, such as New Year's, 4th of July, Labor Day, Halloween, Prom Season and Graduation*
 4. *Appropriate use of core message platforms that emphasize underage drinking, impaired driving enforcement and personal responsibility, including use of designated drivers and alternative transportation*
 5. *Messages that are culturally relevant and linguistically appropriate*
 6. *Paid, earned and donated media*
 7. *Key alliances with private and public partners*
 8. *Evaluation and survey tools*
- *Direct communication efforts at populations and geographic areas at highest risk or with emerging problems (such as youth, young adults, repeat and high BAC offenders and drivers who use prescription or over-the-counter drugs that cause impairment).*
- *Use creativity to encourage earned media coverage, using a variety of messages or "hooks" (such as inviting reporters to "ride-along" with law enforcement officers, conducting "happy hour" checkpoints or observing under-cover liquor law enforcement operations).*
- *Encourage communities, businesses and others to financially support and participate in communication efforts to extend their reach, particularly to populations and in geographic areas at highest risk.*

Status



The Louisiana Highway Safety Commission (LHSC) prepares an annual Marketing and Communications Plan that drives the coordination of each National Highway Traffic Safety Administration (NHTSA) campaign and the collaborative enforcement overtime. The goal of the media campaign is to reach a targeted audience by purchasing a combination of radio and television advertisements for both impaired driving and occupant protection program areas. Motorcycle and speed were also addressed during FY 2008. Each campaign has an identified problem identification and demographic audience. The identified demographic group for impaired driving is males, 18 – 34 years of age and especially those who drive pick-up trucks as testified before the Impaired Driving Assessment Panel. The identified slogan in Louisiana mimics that of the National Impaired Driving campaign of *Drunk Driving: Over the Limit. Under Arrest*. While this is the national campaign and considered a solid enforcement message, it was reported during the assessment that too often the general public is confused with drunk driving and impaired driving. The Defense Bar in the state apparently has paid close attention to the drunk driving perspective as a defense for offenders with lower BAC levels or those who would be considered impaired versus drunk.

Paid media flights are planned based on each individual campaign's demographic audience. Media outlets are selected based on their programs GRP's (gross rating points) for the specific targeted audiences and the available dollars were then distributed among the media outlets based on their ability to deliver the best CPP (cost per point) for targeted audience. The team was advised additional funds for focus groups in order to ensure messages "hit home" is needed.

Media flights for each campaign were planned based on GRP's and high crash statistics for geographical location and demographics. One (1) GRP is equal to 1 percent of the total population of the targeted audience in that market. Where GRP's were not available (some cable systems), networks geared to the State's target audience were selected.

The LHSC maintains affidavits of performance on all paid media buys and implements a more extensive assessment to measure target audience reaction for paid media campaigns that exceed \$100,000.00. The LHSC has implemented telephone attitudinal surveys to assess how the target audience's knowledge, attitude, and actions were affected by the impaired driving and occupant protection messages.

In addition to paid media, the LHSC contracted for specific earned media efforts to supplement the paid campaigns. The LHSC issued numerous news releases and editorial columns throughout the fiscal year and arranged for numerous television and radio appearances for the Governor's Highway Safety Representative. 2,442 press clippings were printed throughout fiscal year 2008. Also, it was reported that the state does considerable sports media marketing on collegiate campuses to appeal to large athletic crowds and youth on college campuses.

Recommendations

- Generate more earned media through opportunities such as letters to the editor, non mobilization press releases, and utilizing other events to get messages out such as collegiate sports events, local festivals, etc.
- **Improve and publicize the LHSC website with frequent updates, more messages, and information regarding traffic safety.**
- Partner with businesses and the corporate sector to promote safe driving highway safety messages.
- Partner with public health to utilize additional federal dollars to promote messaging to reduce underage drinking.
- Ensure that all grant supported programs are publicizing their efforts and that their messages are consistent with those of LHSC.

V. ALCOHOL AND OTHER DRUG MISUSE: Screening, Assessment and Rehabilitation

Impaired driving frequently is a symptom of the larger problem of alcohol or other drug misuse. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crime. One-third of impaired driving arrests each year involve repeat offenders.⁵ Moreover, individuals with alcohol or other drug abuse or on average, such individuals drive several hundred times within two hours of drinking before they are arrested for driving while impaired.⁶

In addition, alcohol use leads to other injuries and health care problems. Almost one in six vehicular crash victims treated in emergency departments are alcohol positive, and one third or more of crash victims admitted to trauma centers - those with the most serious injuries - test positive for alcohol. In addition, studies report that 24-31 percent of all ED patients screen positive for alcohol use problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent these individuals from being arrested or involved in a motor vehicle crash, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

5-A: Screening and Assessment

Each State should encourage its employers, educators, and health care professionals to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. A marketing campaign should promote year-round screening and brief intervention to medical, health, and business partners and to identified audiences.

5-A-1: Criminal Justice System

Advisory

Within the criminal justice system, people who have been convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and their need for treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement. The assessment should be:

⁵ “Repeat DWI Offenders in the United States.” Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

⁶ On average, 772 such episodes, according to Paul Zador, Sheila Krawchuck .and Brent Moore “Drinking and Driving Trips, Stops by Police, and Arrests: Analyses of the 1995 National Survey of Drinking and Driving Attitudes and Behavior” Washington DC: U.S. Department of Transportation, HHTSA Technical Report o. DOT HS 809 184, December 2000..

- *Conducted by a licensed counselor or other professional holding a special certification in alcohol or other drug treatment.*
- *Used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate.*
- *Based on standardized assessment criteria, including standard psychometric instruments, historical information (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews.*
- *Appropriate for the offender's age and culture (e.g., use specialized assessment instruments tailored to and validated for youth or multi-cultural groups).*

Status

In Louisiana there is no systematic process to assure that DWI offenders who have an alcohol or substance abuse problem will be screened, evaluated, diagnosed and referred to treatment matched to the extent and nature of the individual driver's problem. Offenders who are charged with first or second offense DWI are not required to complete a screening though some jurisdictions order screening for consideration in sentencing.

DWI statutes call for first offenders to participate in a "court-approved substance abuse program." For second and third offenders, RS 1498 G. States:

Court-approved substance abuse programs provided for in Subsections B, C, and D of this Section shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders and shall assess the offender's degree of alcohol abuse.

However, these programs are not subject to any standard practices or curriculum and need not be licensed by any State authority. The educational components of the programs are not standardized and there is no regulatory oversight at the state level.

Recommendation

- **Establish a system of screening, evaluation and referral for all DWI offenders including first offenders.**
- Establish mandatory standards for court-approved substance abuse programs that include standardized evidence-based curriculum and screening and referral procedures.

5-A-2: Medical or Health Care Settings

Advisory

Within medical or health care settings, any adults or adolescents seen by medical or health care professionals should be screened to determine whether they may have an alcohol or drug abuse problem. A person may have a problem with alcohol abuse or dependence, a brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment. The screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physician's offices, health clinics, employee assistance programs and other medical and health care settings.*
- *Used to decide whether an assessment and further treatment is warranted.*
- *Based on standardized screening tools (e.g., CAGE, AUDIT or the AUDIT-C) and brief intervention strategies.⁷*

Status

Louisiana has two Levels I trauma centers, both of which have screening and brief intervention services. However, at one center the process is not fully functional and at the other it is limited to patients with severe injuries meeting the highest level trauma criteria. As a result, the majority of injured drivers are not screened. The limits are imposed because of extreme volume in the emergency department. The medical records of all injured patients admitted to the emergency departments are coded with external cause of injury code (E-code) at time of admission. Drivers injured in motor vehicle crashes receive a code between 800 and 819 with a fourth digit of 0. This code can be used for immediate identification of drivers who could be screened for alcohol abuse or chemical dependency.

Recommendation

- Conduct screening and brief intervention for all injured drivers.

⁷ For a discussion of assessment instruments, see: Allen, John and M. Columbus (Eds.) NIAAA Handbook on Assessment Instruments for Alcohol Researchers (2nd) edition). Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 2003.

For an overview of alcohol screening, see: "Screening for Alcohol Problems: An Update," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, Alcohol Alert No. 56, April 2002. For a primer on helping patients with alcohol problems, see: "Helping Patients with Alcohol Problems: A Health Practitioner's Guide," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, NIH Publication No. 04-3769, Revised February 2004.

5-B: Treatment and Rehabilitation

Advisory

Each State should work with health care professionals, public health departments, and third party payers, to establish and maintain programs for persons referred through the criminal justice system, medical or health care professionals, and other entities. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated. These programs should:

- *Match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria.*
- *Provide assessment, treatment and rehabilitation services designed specifically for youth.*
- *Provide treatment and rehabilitation services for non-English speaking offenders and culturally relevant treatment for special populations (e.g., Native Americans or newly arrived immigrant groups).*
- *Facilitate health insurance parity treatment for alcohol and other drug abuse disorders, to permit access for persons regardless of ability to pay and encourage States to pursue legislative changes to support health insurance parity payment for alcohol and other drug abuse disorders, particularly in rural and underserved areas.*
- *Ensure that offenders that have been determined to have an alcohol or other drug dependence or abuse problem begin appropriate treatment immediately after conviction, based on an assessment. Educational programs alone are inadequate and ineffective for these offenders.*
- *Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions.*
- *Require that drivers, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined that their alcohol or drug use problem is under control before their license is reinstated.*

Status

In Louisiana there is no systematic process to assure that DWI offenders who have an alcohol or substance abuse problem will be screened, evaluated, diagnosed and referred to treatment matched to the extent and nature of the individual driver's problem. Offenders who are charged with first or second offense DWI are not required to complete a screening though some jurisdictions order screening for consideration in sentencing.

DWI statutes call for first and second offenders to participate in a “court-approved substance abuse program.” Specifically, L.R.S. 14:98 calls for the following related to screening and treatment of DWI offenders:

B.(1) On a first conviction, notwithstanding any other provision of law to the contrary, imposition or execution of sentence shall not be suspended unless: (a) The offender is placed on probation with a minimum condition that he serve two days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or (b) The offender is placed on probation with a minimum condition that he perform four eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program.

C. (1) On a conviction of a second offense, notwithstanding any other provision of law to the contrary ... imposition or execution of sentence shall not be suspended unless: (a) The offender is placed on probation with a minimum condition that he serve fifteen days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or (b) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, and participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program.

There are no standards for these programs and it appears that many are little more than a brief classroom education program. RS 1498 G. States:

Court-approved substance abuse programs provided for in Subsections B, C, and D of this Section shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders and shall assess the offender's degree of alcohol abuse.

However, these programs are not subject to any standard practices or curriculum and need not be licensed by any State authority. The educational components of the programs are not standardized and there is no regulatory oversight at the state level.

For third offenders the statute calls for offenders:

D. (1)(i) To immediately undergo an evaluation by the Department of Health and Hospitals, office for addictive disorders to determine the nature and extent of the offender's substance abuse disorder and to participate in any treatment plan recommended by the office for addictive disorders, including treatment in an inpatient facility approved by the office for a period of not less than four weeks followed by outpatient treatment services for a period not to exceed twelve months.

(ii) To participate in substance abuse treatment in an alcohol and drug abuse program provided by a drug division subject to the applicable provisions of R.S. 13:5301 et seq. if the offender is otherwise eligible to participate in such program.

(d) If any offender placed on probation pursuant to the provisions of Subsection D of this Section fails to complete the substance abuse treatment required by the provisions of this Paragraph or violates any other condition of probation, including conditions of home incarceration, his probation may be revoked, and he may be ordered to serve the balance of the sentence of imprisonment, without credit for time served under home incarceration.

Last year approximately 500 treatment clients were designated as DWI offenders. Current record systems make it impossible to determine the total number of drivers convicted of DWI. One analysis of Office of Motor Vehicle driver records indicated approximately 5,000 convictions however the consensus is that the actual number is considerable higher. Even given the most conservative estimate, only one in ten (500/5,000) DWI offenders entered treatment. Experience of other states and findings from research indicate that between 30 and 50 percent of convicted impaired drivers are diagnosed with alcohol abuse or alcohol dependence.

The prognosis for recovery and sustained sobriety is greatest when intervention takes place earlier in the progression of dependency. The current situation makes it unlikely that first or second offenders will be given this opportunity.

Considering the deficiencies in conviction record systems, the option for pre-trial diversion of offenders and, article 894 that allows for easy expungment of DWI convictions, it is likely that many, if not most impaired drivers prosecuted as third time offenders have numerous previous offenses which resulted in no treatment. This not only indicates lost opportunities to intervene in offenders' problem drinking or substance abuse, but creates a situation where drivers with substance abuse problems do not reach treatment until they have progressed to extreme levels of dependency.

DWI Treatment Courts are operating in four jurisdictions. These courts appear to be designed consistent with many of the ten guiding principles of DWI Courts of the National Drug Court Institute. These include: 1. targeting the population, that is, identifying a subset of the DWI offender population for inclusion in the DWI court program; 2. perform a thorough clinical assessment; 3. develop the treatment plan; 4. supervise the offender; 5. forge agency, organization, and community partnerships; 6. take a judicial leadership role; 7. develop case management strategies that include a coordinated team strategy and seamless collaboration across the treatment and justice systems; 8. address transportation issues; 9. evaluate the program and; 10. create a sustainable program by becoming an integral and proven approach to the DWI problem in the community. At least one other jurisdiction is developing a DWI court and several Drug Treatment Courts serve DWI offenders. DWI Courts generally differ from traditional Drug Treatment Courts in that offenders sentenced to DWI courts are adjudicated by the same court while Drug Court clients are referred only after conviction or a guilty plea in another court.

Louisiana has a system of substance abuse treatment services funded by the Department of Health and Hospitals, Office for Addictive Disorders (OAD). Currently these services have a waiting list of 800 to 1,000 clients. Expansion of treatment capacity will require significant additional financial resources. Public and private insurance plans provide limited reimbursement for treatment services. These are generally limited to intensive outpatient services. Historically, insurance coverage for substance abuse treatment has been woefully inadequate with severe limits on coverage and reimbursement rates.

Louisiana has a limited parity law. Parity is the requirement that insurance coverage for Mental Health and Substance Abuse be at the same level as insurance coverage for other medical illnesses. Federal parity legislation passed in 2008 but will take effect in 2010. This parity law will reduce health insurance benefits inequity between mental health/substance abuse disorders and medical/surgical benefits for group health plans with more than 50 employees. It will include individuals enrolled in self-funded plans who cannot be assisted by State parity laws.

Louisiana has fewer than 60 treatment beds for juveniles.

Many states are considering increasing state excise tax rates on alcohol and dedicating a portion of the tax to treatment and prevention of alcohol problems. New Mexico allocates one third of all alcohol taxes to treatment and prevention. Louisiana's current alcohol tax rates are among the lowest in the country.

Recommendations

- Establish a system of screening, evaluation and referral for all DWI offenders including first offenders.
- Establish mandatory standards for court-approved substance abuse programs that include standardized evidence-based curriculum and screening and referral procedures.
- **Establish DWI Treatment Courts throughout Louisiana.**
- Enact full substance abuse treatment insurance parity requirements.
- Increase the state alcohol excise tax to equal national averages and dedicate a portion of all alcohol taxes to treatment and prevention of alcohol abuse and impaired driving.

5-C: Monitoring Impaired Drivers

Advisory

Each State should establish a program to facilitate close monitoring of impaired drivers. Controlled input and access to an impaired driver tracking system, with appropriate security protections, is essential. Monitoring functions should be housed in the driver licensing, judicial, corrections, and treatment systems. Monitoring systems should be able to determine the status of all offenders in meeting their sentencing requirements for sanctions and/or rehabilitation and must be able to alert courts to noncompliance. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of judicial system. Noncompliant offenders should be handled swiftly either judicially or administratively. Many localities are successfully utilizing DWI courts or drug courts to monitor DWI offenders. States should:

- *Have an effective monitoring system for all impaired driving offenders (including out-of-state offenders).*
- *Use effective technology (e.g., ignition interlock mechanisms, electronic confinement and monitoring) and its capability to produce reports on compliance.*
- *Include driver license tracking systems as an essential component of monitoring.*
- *Generate periodic reports on offender compliance with administrative or judicially imposed sanctions.*

Status

Louisiana does not employ a program to facilitate close monitoring of impaired drivers on a statewide basis. Some individual courts use probation to monitor offenders sentenced to treatment.

DWI Treatment Courts are operating in four jurisdictions. DWI Courts are designed to provide intensive supervision and monitoring through regular required court appearances and communication between treatment providers and the court.

Louisiana ignition interlock statutes do not provide for monitoring their use in any effective manner.

Louisiana has no DWI tracking system and existing record systems are considered inadequate for this purpose.

Recommendations

- Establish a system of screening and referral of all DWI offenders that includes intensive monitoring.
- Establish DWI Treatment Courts throughout Louisiana.
- Establish a DWI tracking system.

VI. PROGRAM EVALUATION AND DATA

6-A: Evaluation

Advisory

Each State should routinely evaluate impaired driving programs and activities to determine their effectiveness, and have access to and analyze reliable data sources for problem identification and program planning. Each State should conduct several different types of evaluations to effectively measure progress, to determine effectiveness, to plan and implement new program strategies and to ensure that resources are allocated appropriately. The evaluation should be:

- *Planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated.*
- *Designed to use available traffic records and other injury data.*
- *Used to determine whether goals and objectives have been met and to guide future programs and activities.*
- *Organized and completed at the State and local level.*
- *Reported regularly to project and program managers and policy makers.*

Status

Louisiana has a Local Road Safety Program (LSRP) and Safety Improvement Project Guidelines to aid in funding decisions. In the past the total amount of funds requested far exceeded the amount of available funds to the LRSP. In an effort to facilitate submittal of projects for the 2008/2009 cycle with the highest potential for crash and injury reduction and to reduce the application burden for small communities, the LRSP Project Team developed a project concept review form. These Project Concept Review forms had to be submitted for evaluation prior to completion of a full application. These forms were due by August 1, 2008, for processing by August 15, 2008. It was strongly recommended that each applicant contact a LRSP representative for additional guidance prior to beginning any submittal.

This preliminary evaluation was created as a result of feedback from local representatives regarding the difficulty that some applicants have in completing the more detailed application. The Project Concept Review is designed to allow identification of ineligible or low priority projects and to save the local agencies from spending more time or money on the detailed application for these projects. The Project Concept Review form requires information of a more general nature that should be readily available. Local intersections may also be nominated for inclusion of a statewide improvement program using a simple intersection nomination form.

Following are the key considerations of the 2008/2009 LRSP Project Concept Review and Application Process:

1. Completion of the Project Concept Review form is recommended:
The goal is to assist communities in early identification of projects that are eligible for funding and are considered to be competitive in the selection process. Agencies are encouraged to identify low cost safety projects with the highest potential to reduce crashes, injuries and fatalities. The form requires minimal information for the review by the LRSP Project Team. Applicants with project concepts determined to be eligible and competitive will be contacted to develop a more detailed application.
2. Project Evaluation Criteria: The project evaluation and selection process has become very competitive and the LA Strategic Highway Safety Plan requires a more rigorous selection criteria. The LRSP has limited funds and projects are evaluated on a number of criteria including:
 - Potential to reduce crashes resulting in serious injuries and fatalities
 - Number and severity of crashes as documented by crash data
 - Crash reduction potential of proposed countermeasure(s)
 - Average daily traffic (ADT)
 - Cost of project – low cost projects are encouraged and have greater potential for funding
 - Addresses principal road safety issue in parish or municipality
 - Consistent with Louisiana's Strategic Highway Safety Plan
3. Intersection Safety Focus: A portion of the total LRSP project funds are set aside for intersection improvements. Based on an analysis of statewide data, a number of intersections are selected for low cost improvement projects by the LRSP Technical Team. Intersections selected directly by the LRSP project team will not affect a local agency's ability to apply for funds as part of the LRSP.
4. Nominate Intersections in a Community for Low Cost Safety Improvement: Local communities may also nominate intersections in their community for inclusion in the statewide intersection improvement process using the Intersection Safety Improvement Nomination form. Intersections that are selected to receive the standard package of low cost improvements as part of the statewide LRSP effort will not count as local projects and local communities may still apply for LRSP funds.
5. State Road Intersection Assistance: Only local/local road intersections are eligible for funding by the LRSP. State/state road intersections or state/local road

intersections that are recommended by local communities, will be sent to the Louisiana Department of Transportation and Development (LADOTD) for consideration.

The Louisiana Highway Safety Commission (LHSC) uses an in-house process to award project funds to the Louisiana State Police (LSP). The LHSC and LSP identify problems using data from Louisiana State University's Highway Safety Research Group. The LHSC then awards funds to the LSP based on this data and with the highest potential for crash and injury reduction.

Local Road and State Police Projects are evaluated using crash data from the States Crash File. The data are used to identify and verify problem locations. The crash date is later used to determine whether goals and objectives have been or will be met. Local agencies and the LSP report monthly (Annex Reports) to LHSC project and program managers on the status of their projects. Program managers review projects monthly and work with providers to insure program goals are attained.

It was reported that some agencies in the State do not report crash to the crash file located at Louisiana State University (LSU). Failure to report crashes would preclude them from receiving safety project funds.

The citation and adjudication data in the State is limited and of little use. It cannot be used to: measure or evaluate countermeasure success, determine if proposed activities are being conducted, measure success of treatment programs, or even identify the full scope of the problem.

Recommendations

- Identify and initiate methods to increase the number of agencies reporting crashes to the State. Continue to support the use of LACRASH and advertise the possibility of local project funding if crashes are reported accurately.
- Structure the Louisiana State Police project funding process similar to the Local Road Safety Program and Safety Improvement Project Guidelines.
- **Mandate that all courts and prosecutors forward citations and their final adjudication to the Louisiana Office of Motor Vehicle and that they are posted to the driver history.**
- Use countermeasure data in conjunction with crash data to identify best methods to reduce crashes in the State.

6-B: Data and Records (see Section 1-E)

Advisory

States should establish and maintain records systems to fully support their impaired driving program. Each system should use data from other sources, such as the U.S. Census, the Fatality Analysis Reporting System (FARS) and the Crash Outcome Data Evaluation System (CODES), to fully support the impaired driving program. The State records systems should:

- *Permit the State to quantify:*
 1. *the extent of the problem (e.g. alcohol-related crashes and fatalities);*
 2. *the impact on various populations (e.g. by age, gender, race and ethnicity);*
 3. *the level of effort dedicated to address the problem (e.g. level of enforcement activities, training, paid and earned media);*
 4. *the impact of the effort (e.g. public attitudes, awareness and behavior change).*
- *Contain electronic records of crashes, arrests, dispositions, driver licensing actions and other sanctions of DWI offenders.*
- *Permit offenders to be tracked from arrest through disposition and compliance with sanctions.*
- *Be accurate, timely, linked and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials and treatment providers.*
- *Be guided by a State-wide traffic records coordinating committee (TRCC) that represents the interests of all public and private sector stakeholders, and the wide range of disciplines that need the information.*

Status

Louisiana has a Highway Safety Research Group (HSRG) and website. HSRG is a division of the Information Systems and Decision Sciences Department in the Ourso College of Business at Louisiana State University. The official Crash File is located at and maintained by HSRG. The website provides information regarding traffic crash statistics for the state of Louisiana, links to important traffic crash related websites, and reports relating to traffic crashes. The website also provides a query generator, which allows the query of the data for data specific to individual needs. The website is also home for technical support information for users of the LaCrash System software.

The crash data is compiled at Louisiana State University and funded by a grant through the Department of Transportation and Development (DOTD).

The HSRG has developed an electronic crash reporting system, which allows officers to submit their crash reports electronically. There are two distinct intended uses of this software to accommodate the varying levels of technology available to agencies around the State.

The Client Mobile Data Terminal (MDT) version is intended for agencies which allow their officers and supervisors to create and finalize reports from their squad cars. Instead of filling out paper copies of reports which then have to be taken back to the agency and kept on file, an officer can use a computer to fill out the crash report and submit it directly from their vehicle to their agency via intranet/internet access. To facilitate this process, the software has a messaging system incorporated in it which allows officers to submit reports directly to their supervisors for approval and submission to the State as required by law or sent back to the officer in the field for corrections.

The Client version is intended for agencies which do not allow or do not have access to computers in their vehicles and must still fill out a paper copy of the report. Once the report has been finalized, data entry users at the agency can then transcribe the paper version of the report to an electronic format as well as submitting them directly to the State as required by law.

Regardless of which version is being utilized at the law enforcement agency, once the report has been finalized a clerk can then look up the report via the system for printing and selling to the public.

Other components of LACRASH include allowing an officer to swipe driver's licenses with the MagTek Card Reader to facilitate the process of entering information into the report, Delorme Global Positioning System (GPS) unit interoperability to facilitate locating the exact latitudinal and longitudinal coordinates of an accident, the ability to draw digital diagrams of the scene of the accident via a licensed copy of Easy Street Draw, and a customized list per Parish/Agency of all the streets encompassed by that agency's jurisdiction.

The software was initially released in December 2004 and agencies came online January 1, 2005. There are several Louisiana law enforcement agencies currently using the software and the State is continually adding new agencies/users.

The HSRG provides technical support and updates for these aforementioned components and any other software issues for the users of the LACRASH System.

On the HSRG Website is the Traffic Records Reports section. This is a compilation of data based on the traffic crashes submitted by state, sheriff and local police agencies. You can find a wide variety of information and statistics about traffic-related issues, such as the types of vehicles involved in crashes, whether seatbelts were used, and the amount

of crashes where alcohol was a factor. The records are received from police agencies daily by users of the LACRASH system and on an at least annual basis for agencies which currently report without LACRASH to the State.

The data for the current year is updated nightly to ensure the most up-to-date information is posted. You can search the data by year and topic.

Unfortunately, not all agencies in the State use the software or even submit crash reports to the State. Lack of complete data means the State cannot quantify: the extent of the crash problem, the impact on various populations, and the level of efforts dedicated to address the problem, or the impact of efforts.

The HSRG Website also provides specialized reports including an Impaired Driving Evaluation Reports. Unfortunately, there is no impaired driving arrest and conviction data on the website and conviction data on the driver history is unbelievably limited.

Citation/Conviction/Adjudication data is woefully lacking in the State. Everyone interviewed agreed that citation and adjudication data is imperative to allow the State to attain an accurate conception of: convictions, dismissals, diversion, diversion success, countermeasure success, recidivism, etc. This data is necessary to quantify the extent of the problem, population involved, level of effort to address the problem, and impact of the effort.

Previously, there were two systems developed to track impaired driving and other citations through the entire system. Unfortunately, neither of these systems received support from the field and encountered problems. The first in 1999 was the Integrated Criminal Justice Information System (ICJIS). In 2004, The Louisiana Legislature passed L.R.S. 15:128.9, Impaired Driver Tracking System (IDTS), to provide the ability to track persons previously arrested for an impaired driving offense to assist agencies which are involved in the investigation, prosecution, and disposition of impaired driving offenses.

In order to accomplish the tracking the legislation specified that the State utilize the ICJIS project to coordinate an impaired driver tracking system to ensure that persons employed by the agencies involved in the investigation, prosecution, and disposition of impaired driving offenses have complete, reliable, and accurate information on every person who has committed an impaired driving offense. Both systems encountered problems and are not in use at this time.

Reportedly a majority of the Louisiana courts have a case management system to follow cases from the point of filing through disposition. However, the implementation of these systems has not been coordinated with other courts or the Supreme Court.

The Supreme Court has an initiative to establish a portal and repository that contains information relating to traffic cases (arrest and disposition) from each of the individual court case management system. It is known as the Traffic Project. Funding was provided by the Federal Motor Carrier Safety Administration (FMCSA). Currently there are 28 courts participating in the project. The goal is to have all of the 42 district courts and one parish court submitting traffic citation/arrest and disposition data to this repository. Additionally, the Traffic Project has established a portal to the Office of Motor Vehicles (OMV) for electronically reporting conviction information for placement on the driver history file. The Traffic Project has encountered problems, however it was

reported that they hope to have it up and running in one year. The major problem was that the data transfer process did not allow for direct contact between the court clerks and the Louisiana Office of Motor Vehicle (LOMV). Without direct contact the court clerks were unable to identify data quality problems that prohibit entry of their data into the DMV file. It was reported that the ability to communicate between the two agencies would alleviate the problems and will start in the near future.

The information contained in the Traffic Project File will be shared by all agencies who contribute information. It will be used to effectively investigate, prosecute, or dispose of cases involving impaired driving. The information contained in the Traffic Project File can also be used to generate periodic reports on the number of impaired driving offenses taking place during a specified period. Currently, impaired driver data in the Traffic Project File will not include; crash involvement, driver license actions and other sanctions imposed however the citation and LOMV driver history should contain this data.

The inter-agency partnership that was essential to this Traffic Project could be the catalyst for reenergizing the dormant Integrated Criminal Justice Information System (ICJIS).

The Louisiana Highway Safety Commission (LHSC) is also taking action to improve traffic records and has committed at least \$350,000 in the current Highway Safety Plan to develop a statewide Electronic DWI Reporting System. These funds are part of Section 410 Alcohol funds. The LHSC has a contract to spearhead this effort. They are prepared to begin the initial phase for implementation beyond Louisiana State Police (LSP) to four judicial areas.

The plan is to work with one supportive District Attorney at a time with a goal to have four judicial districts on-line by the end of 2009. Phase two is to bring additional judicial districts on-line by the end of 2010. The hope is that more judicial districts around the state will begin to understand the need for and the overall benefits for their judicial districts.

LHSC plans to have success with gradual implementation. This success will serve as a best practice to the legislature, whose help is needed for mandatory statewide implementation. It was decided that a gradual approach, keying on supportive judicial districts first, would be the most advantageous in the long run.

The “infrastructure” for this project is based on the electronic criminal justice/crash reporting system now going into production for the Louisiana State Police (LSP). The contractor for the LSP e-project is a software development company called Thinkstream. The LSP project consists of not only a uniform DWI arrest report, DWI affidavit, electronic traffic citations, but also a revised crash reporting component. The LHSC contractor is utilizing the DWI component to implement the LHSC project statewide.

The Louisiana District Attorneys Association (LDAA) also has a project called CRIMES that is intended to track all criminal cases presented to the District Attorney Offices. The intent of the project is to collect data that will allow them to look at recidivism, diversion programs success and conviction rates. Reportedly the LDAA has been talking to the

Supreme Court Traffic Project managers and the LHSC Electronic DWI Reporting System project managers. The goal of the LDAA is to have all projects integrated.

There is no statewide citation tracking system containing information about enforcement and adjudication of all citations issued by all enforcement agencies. This lack of information prevents the State from evaluating and determining the effectiveness of all traffic enforcement countermeasures. There are few procedures in place to account for citations from the point of issuance to their disposition and to posting on the driver history file. The Traffic Project File, Electronic DWI Reporting System and CRIMES projects or their final integration should be considered as framework for a complete citation tracking system.

Louisiana does not require law enforcement officers to use a standardized citation form to document violations of state statutes. There are at least four citation formats currently being used in the State. Oversight for the content of the citation form is the responsibility of the Department of Public Safety and Corrections (DPS).

Louisiana's Supreme Court has administrative oversight for all courts within Louisiana. The courts are decentralized and independent but coordinated through the Judicial Administrator Office at the Supreme Court. Violations of Louisiana's Traffic Code are adjudicated within district, parish, juvenile, city and in some mayor's courts. Currently, there is no way to determine an accurate number of traffic cases filed in Louisiana Courts yearly.

The lack of a centralized and networked court case management system makes it impossible for courts to have complete information about defendants regarding any other actions or cases that may be pending adjudication in another court's jurisdiction.

The individual driver history records located at LOMV include information to compare original charges with dispositions including the finding of "not guilty." However, published statistics from the courts indicate a far greater volume of convictions than those reported to have been received by LOMV.

Louisiana Code of Criminal Procedure Laws (Article 892.1 and Article 894) provides the court with procedures for giving defendants the opportunity to prevent a conviction from being posted to their "official" driving record. Defendants agree to pay a fine and attend a court ordered driver's education course. Defendants are allowed to plead "not guilty" to the offense upon the successful completion of all court sanctions. The opportunity to use this option is available as soon as the last citation is cleared.

The ignition interlock program in the State was referred to as a "Black Hole." Persons are mandated to install the device, but there is no accountability. There is no data base to: identify when interlocks are installed, record test failures, record instrument tampering or record successful completion of the court mandated use.

In April, 2007 Louisiana implemented a two tiered Traffic Records Coordinating Committee, comprised of an Executive Committee and a Working Group. During this meeting, the Louisiana Highway Safety Commission granted the LA TRCC Executive

Committee the authority to approve, develop, and implement the Traffic Records Strategic Plan for the state. It was also empowered with the responsibility to recommend traffic records system policy, procedures and program funding. The LA TRCC Working Group was also formed to address specific planning & implementation efforts and to help identify issues on behalf of data users.

Meeting on a quarterly basis, the LA TRCC brings different state agencies together in an effort to improve data collection and reporting of information. Using a team approach, the LA TRCC expresses a uniform message about the importance of building and strengthening traffic safety data throughout the state.

Recommendations

- Empower the Traffic Records Coordinating Committee to require all data collectors submit their data to the appropriate files.
- Require all law enforcement agencies use a State approved standardized citation form or a state approved form containing all required data fields. Work with agencies not citing State Statutes to develop cross reference software to enable documentation of violations by State Statutes.
- Require all law enforcement agencies in the State investigate crashes and submit crash reports to the State Crash File. Promote electronic collection and transfer of the data possibly using LACRASH or other software currently in use.
- Identify and contact all agencies in the State who do not report crashes or report crashes incompletely and seek their reporting participation by presenting outreach training on the importance of complete, accurate and timely crash data. Explain reporting options to them: Hand completed reports, LACRASH Client Mobile Data Terminal version, LACRASH Client version, software already in use by other agencies, new software developed for them, and others.
- Require courts acquiring case management system or updating current case management systems to coordinate with the Supreme Court to insure that the new product will meet approved protocol and integrate data with other necessary systems.
- **Mandate that project managers for the Louisiana Supreme Court Traffic Project, The Louisiana District Attorneys Association CRIME project and the Louisiana Highway Safety Commission Electronic DWI Reporting System work together to ensure: there is no duplication of effort in projects, that data from all projects will integrate and that the projects provide the State with a complete, timely and accurate data product.**
- Evaluate current projects and identify the best alternative for development of a statewide citation tracking system.

- Institutionalize the Traffic Record Coordinating Committee (TRCC) by requiring governor approval for appointment to the Executive TRCC.
- **Design and implement an electronic ignition interlock system that tracks the life of a court ordered installation and links with the driver history and the court.**

6-C: Information and Records Systems (including Licensing)

Advisory

Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing (CDL) regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts. The record system should:

- *Include communication protocols that permit real-time linkage and exchange of data between law enforcement, the courts, the State driver licensing and vehicle registration authorities, liquor law enforcement and other parties with a need for this information.*
- *Provide enforcement officers with immediate on-the-road access to an individual's licensing status and driving record.*
- *Provide immediate and up-to-date driving records for use by the courts when adjudicating and sentencing drivers convicted of impaired driving.*
- *Provide for the timely entry of any administrative or judicially imposed license action and the electronic retrieval of conviction records from the courts.*
- *Provide for the effective exchange of data with State, local, tribal and military agencies, and with other governmental or sovereign entities.*

Status

The State has communication protocols that allows for the exchange of data between all parties with a need and authority for the data. Most officers use mobile data terminals in their vehicles to access the data.

Enforcement officers have immediate access to individual's license status, vehicle status and driver history. There are concerns that the driver history data may not be timely or complete. It was reported that some courts are slow or unwilling to report conviction data.

There is no statewide citation tracking system containing information about enforcement and adjudication of all citations issued by all enforcement agencies. This lack of information prevents the State from evaluating and determining the effectiveness of enforcement countermeasures. There are few procedures in place to account for citations from the point of issuance to their disposition and to posting on the driver history file.

Louisiana does not require law enforcement officers to use a standardized citation form to document violations of state statutes. There are at least four citation formats being used currently. Oversight for the content of the citation form is the responsibility of the

Department of Public Safety and Corrections (DPS). Louisiana Criminal and Vehicle Code (Article 398.1) require law enforcement agencies to submit their citation form to the DPS for approval. The information collected on the various citation forms meets the requirements of the *Advisory*.

Louisiana's Supreme Court has minimal administrative oversight for all courts within Louisiana. The courts are decentralized and very independent but some coordination occurs through the Judicial Administrator Office at the Supreme Court.

Violations of Louisiana's Traffic Code are adjudicated within district, parish, juvenile, city and in some mayor's courts. There are 242 District, Family and Juvenile courts, 73 City and Parish Courts and approximately 250 mayor's courts.

A majority of the courts in Louisiana have a case management system to follow cases from the point of filing through disposition. However, the implementation of these systems has not been coordinated with other courts or the Supreme Court. The lack of a centralized and networked court case management system makes it impossible for courts to have complete information about defendants regarding any other actions or cases that may be pending adjudication in another court's jurisdiction.

Individual court case management systems reportedly contain complete information about enforcement actions and dispositions that is useful in evaluating and determining the effectiveness of countermeasures but only within each court's jurisdiction.

The Supreme Court has an initiative to establish a portal and repository that contains information relating to traffic cases (arrest and disposition) from each of the individual court case management system. It is known as the *Traffic Project*, and funding was provided by the Federal Motor Carrier Safety Administration (FMCSA). The Louisiana Highway Safety Commissions electronic DWI reporting system project is also intended to improve DWI data collection, tracking and accessibility. More information on this and two other projects is contained in section 6-B.

The individual driver history records located at LOMV include information to compare original charges with dispositions including the finding of "not guilty." However, published statistics from the courts indicate a far greater volume of convictions than those reported to have been received by LOMV.

Louisiana Code of Criminal Procedure Laws (Article 892.1 and Article 894) provides the court with procedures for giving defendants the opportunity to prevent a conviction from being posted to their "official" driving record. Defendants agree to pay a fine and attend a court ordered driver's education course. Defendants are allowed to plead "not guilty" to the offense upon the successful completion of all court sanctions. It is removed from public view but is still on the driver file. It is expungement but not destruction.

The effective exchange of data with tribal, military and other government or sovereign entities is a low priority. The State is answering more pressing traffic record problems at this time.

Recommendations

- Continue work with the courts to improve conviction data reporting. Develop plans for implementation of the Supreme Court Traffic Project and the Louisiana Highway Safety Commission electronic DWI reporting system (discussed completely in section 6-B).
- **Develop and implement a statewide citation tracking system. Use the DWI tracking system under development as a template.**
- Ensure that all citations in the State contain the same data fields.
- Centralize and network all court case management systems in the State. Support the Supreme Court Traffic Project as a method to accomplish the centralization and networking.
- Ensure the driver histories are complete, accurate and timely.
- Seek legislation to repeal Louisiana Code of Criminal Procedure Laws (Article 892.1 and Article 894) the expungement but not destruction law concerning criminal convictions.

TEAM CREDENTIALS

SPENCER MOORE

3300 Forrest Bend Lane

Snellville, GA 230039

Phone: (770) 864-7881

Fax: (404) 651 9107

smoore@gohs.ga.gov

Spencer Moore is an eleven year employee with the State of Georgia and currently works as Deputy Director of the Georgia Governor's Office of Highway (GOHS). In this role, he serves as chief operating officer for the agency and manages a 30 member staff and average \$20 million budget charged with the development, implementation and management of programs designed to reduce highway safety crashes, injuries and fatalities.

EDUCATION:

Morehouse College, Atlanta, GA - Bachelor of Art - Major: Political Science emphasis in Pre-Law – 1996

University of Phoenix, Phoenix, AR – Major: Master of Business Administration
Summer 2005

Georgia Leadership Institute – Executive Leadership Program - 2006

WORK EXPERIENCE:

Agency Deputy Director/State Coordinator

Governor's Office of Highway Safety, Atlanta, GA

1998 - present

- Responsible for managing eight (8) direct reports, twenty two (22) indirect reports and a program budget of approximately twenty (20) million dollars.
- Responsible for managing nearly 200 grant funded positions (fulltime/part-time) throughout the state of Georgia.
- Responsible for oversight and execution of agency grant and contract procedures.
- Responsible for statewide facilitation of programs to increase highway safety.
- Member of agency's Legislative Team. This job responsibility consisted of analyzing, interpreting, responding, and presenting testimony on various highway safety bills for the Georgia General Assembly.
- Responsible for knowledge and adherence of State and Federal budgetary rules and regulations.
- Responsible for the development, maintaining and adherence to agency policies and procedures.
- Serves as an agency spokesperson conducting television, radio and print interviews.
- Responsible for the development of brochures, PSA's and other documents that inform the general public about highway safety.

- Served the agency in the positions of Associate Planner, Planner 1, Planner 2, Program Management Administrator, Division Director (May 2003), and Deputy Director (March 2007).

PROFESSIONAL ACOMPLISHMENTS:

- 1997 P.O.S.T. Certified Law Enforcement Officer
- 1997 Completed Short Term Training in Alcoholism and Drug Abuse – Georgia Department of Human Resources
- 1998 Liaison to the Atlanta Police Department - Zone 4
- 1999 Completed National Highway Traffic Safety Administration – Highway Safety Program Management Workshop
- 1999 Completed National Highway Traffic Safety Administration – Instructor/Facilitator Workshop
- 1999 Certified Standardized Field Sobriety Testing Officer
- 2001 - State of Georgia Impaired Driving Coordinator
- Present
- 2001 Project Director for a program that received recognition from the National Commission Against Drunk Driving for having the most comprehensive impaired countermeasure program in the nation (OZT)
- 2001 Project Director for program that received recognition from the National Mother's Against Drunk Driving as having the most comprehensive impaired countermeasure program in the nation (OZT)
- 2003 Division Director of program that received recognition from the International Association of Chief's of Police as having Best Impaired Driving and Speed program in the nation (H.E.A.T.)
- 2001-2004 Speaker at National Lifesaver's Conference (Attended by more than 1000 & 2007 safety professionals nationwide)
- 2005 - Instructor for Transportation Safety Institute - NHTSA Program Management Present Course
- 2005– Member of Georgia Mother's Against Drunk Driving Advisory Council
- Present (2008 Chair of GA MADD Advisory Council)
- 2006 Member of GHSA Management Review and Special Management Review
- Present Taskforce
- 2008 Instructor for GHSA Executive Management Course

ROBERT P. LILLIS

Evalumetrics Research
58 Scotland Road
Canandaigua, New York 14424
585-394-5811 Evalumetrics Research
rlillis@rochester.rr.com
www.evalumetrics.org

Experience

- President, Evalumetrics Research
- Research Consultant and Chair of the Research Data and Evaluation Committee of the Partnership for Ontario County
- Research and Evaluation Consultant to the Finger Lakes Drug Court and the Ontario County Juvenile Drug Court
- Director of the Research for the Department of Emergency Medicine, University of Rochester School of Medicine and Dentistry (2000 – 2001)
- Director of the Accident Investigation Team, University of Rochester School of Medicine and Dentistry (1996 - 2001)
- Manager of Highway Safety Programs in the Injury Control Program, Division of Epidemiology, New York State Department of Health (1988 – 1991)
- Project Director of the Comprehensive Community Traffic Injury Prevention Project, Division of Epidemiology, New York State Department of Health
- Project Director on numerous research projects at the New York State Division of Alcoholism and Alcohol Abuse (1978 – 1988)
- Member, Impaired Driving Assessment, National Highway Traffic Safety Administration (NHTSA). Maryland, California (2), Arizona (2), Texas, Connecticut, West Virginia, Wisconsin(2), Oregon, New Mexico, North Carolina, Minnesota, Tennessee, Missouri, Delaware, North Dakota, Montana (2), Utah, Ohio, South Carolina, Illinois, Rhode Island, Georgia, Massachusetts, Kansas, Indiana, Puerto Rico and the Indian Nations.

- Special Consultant to the U.S. General Accounting Office (GAO) (1985 – present)

Organizations/Appointments

- Member, MADD Cultural Diversity Taskforce
- Membership Chair, American Public Health Association – Alcohol and Drug Abuse Section

Significant Awards

- Monroe County Public Health Service Award
- John Q Award for Service to Addictions

Education

- Bachelor of Science in Psychology, John Carroll University
- Certificate, Rutgers University – School of Alcohol Studies
- Graduated Studies in Social Psychology, University of Rochester

LINDA L. CHEZEM, J.D.

530 Denny Drive
Mooresville, IN 46158
(317) 409-5050
Lchezem@aol.com

Professor
Department of Youth Development and Agricultural Education
School of Agriculture
Purdue University, West Lafayette, Indiana

Judicial Scholar in Residence, Arizona Supreme Court, Judicial Education Services

Adjunct Professor
Indiana University School of Medicine
Department of Medicine

Adjunct Professor
Purdue School of Science – Indianapolis
Forensic Science

Past Experience

- Affiliated Scholar, Center for Public Health Law Partnerships, University Of Louisville
School of Medicine
- Assistant to the Director, National Institute on Alcohol Abuse and Alcoholism, National Institute of Health, Bethesda, Maryland
- Adjunct Professor, Indiana University School of Law – Indianapolis
- Fellowship with the Mid-America Regional Public Health Leadership Institute (2000-2001) and served as a team mentor for the fellowship class of 2002-2003
- Department Head, 4-H Youth, Purdue University, West Lafayette, Indiana, 1998 – 2000
- Judge, Court of Appeals of Indiana, Indianapolis, Indiana, 1988 – 1998
- Judge, Lawrence Circuit Court, Bedford, Indiana, 1982 – 1988
- Judge, Lawrence County Court, Bedford, Indiana, 1976 – 1982
- Private Practice of Law, Paoli, Indiana, 1971 – 1975

Organizations/Appointments

- Public Health Law Association, Atlanta, GA, Board Member and co-Chair of the Products and Services Committee, 2004 to 2008
- Morgan County Board of Health, Morgan County, Indiana, member and as chair. Term ended Dec 31, 2004
- National Alliance for Alcohol Research and Education, Inc., Board Member, 2002 to present
- Robert K. Greenleaf Center for Servant Leadership, Former Board Member and Vice President; 1991-2003
- General Service Board for Alcoholics Anonymous, NY, NY, Class A (non alcoholic) Trustee and First Vice President; 1996-2002
- American Bar Association, Judicial Administration Division, 1980-1999
- National Council of Juvenile and Family Court Judges, 1982-1998, (Substance Abuse Training Committee: 1987-1993)
- Indiana Judicial Conference Education Committee (chair: 1990-1993)
- White House Conference for a Drug Free America. Member of the Law Enforcement Advisory Committee. Presented at the White House Conference, Washington, D.C., March 1, 1988

Consulting Activities

- Expert Panel Member, Sentencing and Dispositions of Youth DUI and Other Alcohol Offenses: A Guide for Judges and Prosecutors, NIAAA and NHTSA, 1997 – 1998
- National Highway Traffic Safety Administration Judicial Fellowship, (1993-1995)
- Member of Initial Review Group for High Risk Youth Grants U.S. Department of Health and Human Services, Center for Substance Abuse Prevention, Task Force on Drunk Driving
- Member of Expert Panel, National Center for the Advancement of Prevention
- Peer Review Panels, U.S. Department of Justice

- The Adjudication of Driving While Intoxicated @ Department of Transportation, National Highway Traffic Safety Administration Program

Awards

- Circle of Hope Award, Fairbanks, Indianapolis, May 2008
- Distinguished Barrister, Indiana Lawyer, May 2008
- Academy of Law Fellows, Indiana University, April 2007
- Lawrence County Pacesetter, 2005
- Women of Excellence, Lawrence County, Indiana, March 2005
- Distinguished Alumni Award, Indiana State University, October 2000
- Recognition of the Indiana General Assembly with a Joint Resolution of the Indiana House of Representatives and the Indiana Senate, January 1998
- Sagamore of the Wabash, awarded by Governor Frank O'Bannon, January, 1998; second Sagamore awarded by Governor Evan Bayh, January, 1997; first Sagamore awarded by Governor Robert D. Orr, June 15, 1988
- National 4-H Alumni Award, United States Department of Agriculture for Outstanding Service to the 4-H Program, September 12, 1994
- National Friend of Extension Award, Epsilon Sigma Phi, National Honorary Extension Fraternity, December 11, 1993
- Indiana Friend of Extension Award, Lambda Chi Chapter of the Epsilon Sigma Phi, October 20, 1993
- Hoosier Hero, The Honorable Dan Coats, United States Senator from Indiana, November 26, 1991
- 1990 Forum Series Award, Girls, Inc.
- 1990 Community Service Award, Bedford Area Chamber of Commerce, April 2, 1990
- Distinguished Hoosier Award, Governor Robert D. Orr, January 3, 1989

- Robert J. Kinsey Award for Outstanding Judicial Service and Support to the Children and Youth of Indiana, Indiana Judicial Symposium, June 15, 1988
- Governor's Exemplary Project Award for the Lawrence County Life Skills Program, August 26, 198
- Governor's Exemplary Project Award for the Lawrence County Juvenile Casework Program, March 27, 1986

CHIEF THOMAS MICHAEL BURNS

Macon Police Department
700 Poplar Street
Macon, GA 31201
478-803-2352
478-447-2337
mburns@mpd.macon.ga.us

Chief of Police
Macon, GA

Experience

- Chief of Police – Manage a force of 413 members in the areas of Patrol, Youth and Intervention Services, Management Services, Support Services, Internal Affairs, and the 9-1-1 Communications Center
- Chief of Staff – Managed the administrative operations of the Macon Police Department.
- Major of Patrol Area II – Utilized professional and managerial skills to plan, organize and direct administrative and operational objectives in meeting the needs and services expected of Patrol Area II of the Macon Police Department.
- Precinct II Patrol Division Commander – Planned, organized, directed and performed daily administrative and managerial duties for the successful operation of a patrol precinct including strategic planning for community policing and effective law enforcement.
- Police Training Academy Director - Responsible for planning, organizing, budgeting, and supervising the daily functions involving the Training Academy, including recruit training along with career educational training for all officers.
- Traffic Division Commander - Responsible for all traffic related functions and supervision including, but not limited to, traffic accident analysis, traffic fatality reconstruction, DUI enforcement, and coordinator for Governor's Office of Highway Safety Speed Enforcement grant
- Internal Affairs Lieutenant - Assisted in the investigation of internal and external complaints regarding police personnel actions. Responsible for police applicant recruiting and background investigations.
- Crime Laboratory Director (Sergeant) - Responsible for performing and supervising highly specialized technical work in the area of forensic physical evidence collection and other activities inherent of Crime Lab expectations.

- Traffic Fatality Investigator (Sergeant) - Responsible for investigation and courtroom preparations of traffic fatality accidents. Recorded and analyzed data from fatality accidents for strategic planning reducing accidents.

Affiliations/Professional Associations

- FBI National Academy Association
- State Certified Evidence Technician
- Georgia Association of Chiefs of Police Department
- International Association of Chiefs of Police
- National Association of Traffic Accident Reconstructionists and Investigators
- International Association of Identification

Consulting Activities

- Member, Impaired Driving Assessment: Massachusetts, Kansas, Oregon, and Missouri

Education

- Bachelor of Science in Criminal Justice – Columbia Southern University
- Associate of Applied Science – Macon State College
- FBI National Academy
- Georgia Law Enforcement Command College – Columbus State University
- University of Georgia – Management Certificate

LARRY C. HOLESTINE

Private Consultant
13504 FM 3090 Road
Anderson, TX 77830
936-825-8606
lholestine@aol.com

Experience

- Served as a law enforcement liaison for the National Highway Traffic Safety Administration (NHTSA) -- Region 8
- Director of Public Safety Services, Data Nexus Inc.
- Patrol Major, Colorado State Patrol
- Over 29 years in professional law enforcement.
- Represented NHTSA and the National Safety Council (NSC) to promote the Association of Transportation Safety Information Professionals (ATSIP)
- Coordinator/Instructor for the Colorado Law Enforcement Training Academy and the Colorado State Patrol Academy
- Instructor, Colorado Institute of Law Enforcement Training at Colorado State University
- Instructor, Colorado Institute of Law Enforcement Training at Colorado State University
- 2003 Chair of the Association of Transportation Information Professionals.
- Executive Board, Association of Transportation Safety Information Professionals, National Safety Council – 2001 Program Chair, 2002 1st Vice Chair, 2003 Chair
- Member, ANSI D-16 Committee on Motor Vehicle Accident Classification
- Chair, Steering Committee, Law Enforcement Section, CO Safety Management System
- Member, Colorado State Traffic Records Advisory Committee
- Member, National Agenda for Traffic Records Committee, National Safety Council

- Member, Intelligent Transportation Systems, Archived Data User Program Committee, Federal Highway Administration
- Member, Highway Safety Program Advisory for Traffic Records Panel, Data Nexus, Inc. for National Safety Council
- Member, Project Panel/Advisory Group, Project #NCHRP 17-12 (Improved Safety Information to Support Highway Design) Northwestern University Traffic Institute
- Member, Colorado Department of Transportation RFP Review committee for Intelligent Transportation Systems
- Member, NHTSA Traffic Records Assessment Team: (* Denotes team leader status) Kansas, South Carolina, Nebraska, Louisiana, Arizona, Iowa, New Mexico, *Wisconsin, North Dakota, *Connecticut, *Idaho, *Oregon, *Tennessee, *Delaware, *San Carlos Reservation, *New Jersey, *White River Reservation, *Menominee Reservation, *Kentucky, *Mississippi, Missouri
- Member, National Safety Council, Association of Highway Safety Information Professionals, Marketing and Honest Broker Committee
- Member, Transportation Research Board – Law Enforcement Committee
- Member, Colorado State Patrol Diversity Committee
- Member of NHTSA Impaired Driving Assessment team: Vermont, Nevada, Massachusetts, California, Indiana, Oregon
- Member and President, Northern Colorado Peace Officers Association
- Member, Committee on Guidelines for Transportation Safety Information Management Systems and files, NSC and NHTSA
- Member NCHRP Committee: Project 17-40 Model Curriculum for Highway Safety Core Competencies, Project 03-80 Traffic Enforcement Strategies for Work Zones
- Member NHTSA Impaired Driving Assessment Team: Vermont, Florida, Indiana, Missouri, Alaska, California and Oregon

Education

- Bachelor of Science, Colorado State University (Specializing in Criminal Justice)
- Certificate, School of Police Staff and Command, Northwestern University
- Certificate, Management in State Government, State of Colorado

Significant Accomplishments

As District Commander of the Colorado State Patrol (CSP), he was responsible for the creation and continued success of the Colorado State Patrol Crash Reconstruction Team, which is recognized as one of the best in the nation. In addition, he played an instrumental role in moving the CSP towards a "paperless" record-keeping environment.

**Louisiana Highway Safety Commission
Impaired Driving Assessment
March 15-20, 2009**

Sunday, March 15

6:30 pm Assessment Team and LHSC Staff Opening Dinner (Dutch treat)
Mike Anderson's Seafood Restaurant, 1031 West Lee Drive., Baton Rouge, LA

Monday, March 16

7:00-8:00 am Assessment Team Breakfast at Cambria Suites

8:00-9:00 am Interview with Lt. Roger Thomas (Calcasieu Parish Sheriff's Office), Sgt. Bryan Peters (Orleans Parish Criminal Sheriff's Office) and Chief Jim Craft (City of Lafayette Police Department)

9:00-10:00 am Interview with Bobby Breland, Louisiana Highway Safety Commission (LHSC), Commissioner Kay Hodges (Louisiana Office of Motor Vehicles), Judge Robert Aguiluz and Director Ann Wise (Louisiana Division of Administrative Law-Administrative License Revocation Program)

10:00-10:15 Assessment Team Break

10:15-11:15 am Interview with DA Jerry Jones (Ouachita and Morehouse Parishes-4th JDC) and Assistant DA Cindy Lavespere (Ouachita and Morehouse Parishes-4th JDC)

11:15-12:15pm Interview with Registered Nurse Bridget Gardner (Brief Intervention Program-Medical Center of Louisiana at New Orleans) Executive Director Anne Byrne (Council on Alcohol and Drug Abuse for Greater New Orleans) and Caddo Parish Coroner and ER Physician Dr. Todd Thoma (Louisiana State University (LSU) Health Science Center-Shreveport, LA), available via phone at 318-458-1776.

12:15-1:30 Assessment Team Lunch at Cambria Suites

1:30-2:30pm Interview with DWI Award Program Coordinator Linda Hull (LHSC), Executive Director Donna Tate (Louisiana MADD) and DA Hillar Moore (East Baton Rouge Parish-19th JDC)

2:30-2:45 pm Assessment Team Break

2:45-3:45 pm Interview with Defense Attorney Glynn Delatte (Delatte, Edwards and Marcantel) and Louisiana Highway Safety Commission Attorney Mike Barron

3:45-4:45 pm Interview with Commissioner Murphy Painter (Louisiana Office of Alcohol and Tobacco Control) and 1st Assistant City Prosecutor Lisa Freeman (Baton Rouge City Court)

Tuesday, March 17

7:00-8:00 am Assessment Team Breakfast at Cambria Suites

8:00-9:00 am Interview with Impaired Driving Contractor Brian Callaway (Impaired Driving Educational Program-Callaway Consulting), Project Director Stacy Jefferson (U Drink U Drive U Walk-Louisiana Attorney General's Office) and LHSC Program Coordinator Jamie Ainsworth. State Coordinator Janice Williams of Louisiana Students against Destructive Decisions (SADD) will be available via phone at 318-308-0903 if needed.

9:00-10:00 am Interview with Highway Safety Administrator Dan Magri Louisiana Department of Transportation and Development (DOTD) and Highway Safety Program Manager Karla Sibille (DOTD)

10:00-10:15 Assessment Team Break

10:15-11:15 am Interview Executive Director Kristy Miller (Baton Rouge Collegiate Alliance) and Chairperson Dortha Cummins (Louisiana Underage Drinking Task Force)

11:15-12:15pm Interview with Judge Tom Yeager (Rapides Parish-9th Judicial District Court (JDC) and Judge Doug Saloom (Lafayette City Court)

12:15-1:30 Assessment Team Lunch at Cambria Suites

1:30-2:30pm Interview with LTC Ralph Mitchell (Louisiana State Police) and Sgt. Jay Cripple (Supervisor Applied Technology and Standardized Field Sobriety Test/Drug Evaluation Classification Program (SFST/DECP) State Coordinator-Louisiana State Police)

2:30-2:45 pm Assessment Team Break

2:45-3:45 pm Interview with Assistant Chief Administrative Officer Irma Plummer (City of Baton Rouge) and ABC Director Debi O'Neill (East Baton Rouge Parish Alcohol Beverage Control)

3:45-4:45 pm Interview with Judge Raymond Childress (Chief Judge of the 22nd JDC-St. Tammany and Washington Parishes) and Defense and Prosecution Attorney Robert Reese (Robert Reese Attorney at Law)

Wednesday, March 18

7:00-8:00 am Assessment Team Breakfast at Cambria Suites

8:00-9:00 am Interview with Pete Adams, Executive Director of the Louisiana District Attorneys Association

9:00-10:00 am Interview with Lars Levy, Court Administrator (St Mary and Iberia Parish DWI Courts-16th JDC), Danny Smith, Court Administrator (Terrebonne Parish DWI Court-32nd JDC) and Cathy Childers, LHSC DWI Court Coordinator

10:00-10:15 Assessment Team Break

10:15-11:15 am Interview with Dr. Helmut Schneider, Director of the Highway Safety Research Group (LSU) and IT Liaison Officer 3 Chuck Miller (Louisiana Highway Safety Commission)

11:15-12:15 pm Interview with Rusty Haman (Calcasieu Parish-14th JDC Office Administrator) and Assistant DA Norma Broussard (Jefferson Parish-24th JDC)

12:15-1:30 pm Assessment Team Lunch at Cambria Suites

1:30 pm Report Development

Thursday, March 19

7:00-8:00 am Breakfast at Cambria Suites

8:00 am Report development

Friday, March 20

7:00-8:00 am Breakfast at Cambria Suites

8:30- 10:00 am Present the Impaired Driving Assessment report to LHSC at Cambria Suites